QUINTILIAN's

INSTITUTES

OF THE

ORATOR.

VOL. I.

Quintilianum (ut S)

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QUINTILIAN's

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OF THE

ORATOR.

IN

TWELVE BOOKS.

Tranſlated from the Original LATIN, according to the Paris Edition of Profeſſor ROLLIN, and illuſtrated with Critical and Explanatory NOTES,

By J. PATSALL, A. M.

IN TWO VOLUMES.

VOL. I.

LONDON,

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MDCCLXXIV.

THE TRANSLATOR TO THE READER.

IT is now near four years ſince the tranſlation of Quintilian, here offered to the Public, has been undertaken. Before, pretty early in life, the ſame Perſon attempted a Verſion of this Author, and had thoughts of printing it by ſubſcription, when that by Mr. Guthrie made its appearance. It was neceſſary to give time for the judgment of the Public to paſs upon Mr. Guthrie's performance; but it was found not favourable to him. Hopes hereupon were conceived by the firſt Tranſlator of proving more ſucceſsful; but on reviſing his work, himſelf found ſo many inaccuracies in it, as being green from the univerſity when he ſet about it, that he judged it more eligible to ſuppreſs, and afterwards commit it to the flames, than to hazard his reputation upon it. Imagining, however, (as Quintilian's Inſtitutes of the Orator, is the completeſt and moſt ingenious work of the kind that ever was written by either Ancients or Moderns; and as no other book is ſo well calculated for forming our Orators in Parliament, at the Bar, in the Pulpit; or, in fine, the Gentleman of taſte, and the accurate Critic;) that it would

be

be doing the Public a ſervice to facilitate the underſtanding of a work of ſo conſiderable utility, he again with alacrity entered upon the taſk, notwithſtanding all the difficulties, he was ſenſible, he had to encounter, the chief of which was, in rendering exactly Quintilian's ſenſe, and making him at the ſame time read well in Engliſh. His merit in the execution muſt be left to the deciſion of the impartial Public.——The Tranſlation is from the Paris Edition of Profeſſor Rollin, compared with that of Biſhop Gibſon, and illuſtrated with critical and explanatory Notes. M. Rollin has retrenched the leſs neceſſary parts, and it was judged proper to do the ſame in the tranſlation, to ſave the embaraſſment of ſtudents at our Schools, Academies, and Univerſities, in a few abſtruſe and ſuperfluous matters. The Tranſlator declares that he never made any uſe of Mr. Guthrie's Verſion, not ſo much as even to look into it, while he had this work in hand, a ſufficient proof of which it is preſumed, the preſent Tranſlation may be, in which Quintilian will be found to ſpeak a quite different language.

QUINTILIAN

TO

TRYPHON the BOOKSELLER,

GREETING.

YOU have at times preſſingly * ſollicited me to publiſh the books of Oratorial Inſtitutes, I had dedicated to my friend Marcellus. On your firſt application, I thought they had not arrived to a juſt maturity, having, as you know, ſpent ſcarce more than two years in compoſing them, though otherwiſe embarraſſed by a multiplicity of buſineſs; and this time was leſs taken up in attending to the accuracy of ſtyle, than in preparing neceſſary materials for a work, I may ſay, immenſe, and the reading of an infinite number of authors.

Next reflecting on the advice of Horace, who, in his Art of Poetry, counſels authors, not to be over haſty in the publication of their works, which he ſays ſhould bear a nine years confinement in the cloſet; I reſerved mine to reviſe it in my leiſure hours,

* By *convitio* in the Latin text he means *entreaties*, and as it were, *importunities*. *Epiſtolam hanc convitio efflagitarunt codicilli tui*. Cic. ad Quint. frat. l. ii. ep. 10. *Convitium*, quaſi multæ ſimul voces.

that

that the love of invention cooling, I might the more carefully examine it with the indifference of a reader.

If the public have ſuch a paſſionate deſire for this work, as you aſſure me they have, let us diſplay our ſails to receive the favourable gale; and in clearing the * coaſt, and launching out into the main, let us wiſh it a proſperous voyage.

It, however, depends much on your care and exactneſs, that it may come into the hands of the public as correct as poſſible.

* *Oram* is an unuſual manner of expreſſion in the Latin for *è portu, è littore ſolventibus.* Others by *oram* underſtand a cable. See Liv. lxxii. n. 19, and l. xxviii. n. 36. Quintilian uſes the ſame word, liv. c. 2. *Sublatæ ſunt anchoræ, ſolvimus oram, provecti ſumus.*

BOOK I.

THE INTRODUCTION.

I. *Wherein are contained the Author's reaſons for writing theſe Inſtitutes of Oratory, and for dedicating them to Marcellus Victorius.* II. *The Orator he forms ought to be perfect, both in morals and learning. And in this place he proves that philoſophy was not formerly diſtinguiſhed from eloquence.* III. *A diviſion of the whole work.* IV. *What ſort of ſtyle theſe precepts are written in, and what perſons they may beneſit.*

I. SINCE my diſcharge from a twenty years employment of inſtructing youth, ſome friends endeavoured to engage me to write a Treatiſe on Eloquence; but I long declined complying with their requeſt, well knowing that the moſt eminent Greek and Latin authors had delivered to poſterity ſeveral accurate tracts upon the ſame ſubject. This very reaſon, which I preſumed ought to have pleaded a ſufficient excuſe for my refuſal, was urged againſt me; and my friends preſſed me with greater warmth, alledging the difficulty and uncertainty of a judicious choice

amongſt the ſyſtems of the ancients, ſome of which contradicted each other: ſo that they ſeemed to themſelves to have enjoined me this taſk on very good grounds; if not for diſcovering new precepts, at leaſt for being ſerviceable towards forming an adequate judgment of the ancients.

Though the confidence of accompliſhing what was required of me, ought not to have influenced my mind to ſo great a degree, as the ſhame of denying; yet, as the ſubject grew more extenſive, I voluntarily undertook more than was impoſed upon me, that I might not only oblige in a particular manner my loving friends, but alſo that, as having entered upon a common road, I might not tread in other's foot-ſteps.

For others, who wrote on the Art of Oratory, began moſt commonly by making eloquence the finiſhing of thoſe, who were perfected in all other kinds of literature. Thus, they either looked down with contempt on the ſtudies we firſt learn; or they ſuppoſed theſe ſtudies made no part of their duty, the functions of teachers being different; or, what affected them more particularly, they expected no compliments to be paid to their literary merit for things, though neceſſary, yet far removed from oſtentation: juſt ſo, the eminencies of ſtructures preſent themſelves to view, whilſt their foundations lie concealed. For my part, being of opinion, that nothing is foreign to the Art of Oratory, without which, it muſt be confeſſed, one cannot become an Orator; and that there is no arriving at the perfection of any thing, without firſt laying a proper ground-work; I ſhall not refuſe my care to things of leſs moment, the neglect of which

which may exclude things of greater; and ſhould the training up of an Orator be committed to me, I would begin to form his ſtudies from his infancy.

This work we dedicate to you, Marcellus Victorius, whom, as our intimate friend, and a perſon of exquiſite taſte for letters, we judged moſt worthy of this pledge of mutual affection. Theſe are not the only motives, though conſiderable, which induced us to it. Your ſon's inſtruction, whoſe * ſparklings of wit in early youth denote a bright genius for eloquence, encouraged us to think, that theſe books would not be without their degree of utility, which we deſigned from the very, as it were, infantile rudiments of Oratory, to perfect, and make a complete work of, by all the methods that might in any reſpect contribute to the improvement of a future Orator.

This I the rather purpoſe, as two books of the Art of Rhetoric, neither publiſhed by me, nor intended for this end, have been handed about under the ſanction of my name. The one was † compiled from a two-days diſcourſe, made to ſome pupils in private. The other, the ſubſtance of many days conference, was, by ſome young gentlemen, but over-fond of me, taken down in ‡ notes,

* Whoſe early youth, by evident ſigns, ſhews that he will attain to Eloquence, which is the light of the genius. "For as "a ſprightly genius is the ornament of man, ſo Eloquence is "the light of the genius." BRUT. 59.

† Theſe young gentlemen by attentively hearing and retaining it in their memory, were enabled to digeſt it into ſomething of a form.

‡ A compendious way of writing: ſhort-hand; whence *notarii*, notaries, were ſo called.

and raſhly honoured with a publication. Wherefore in theſe books ſome of the ſame things will be inſerted, many changed, much more added, but every particular will be compoſed with great accuracy, and made as correct as poſſible.

II. The perfect Orator we form, muſt be a man of integrity, the good man, otherwiſe he cannot pretend to that character; and we therefore not only require in him a conſummate talent for ſpeaking, but all the virtuous endowments of the mind. For an upright and an honeſt life, as ſome have fancied, cannot in my humble opinion, be reſtricted to philoſophers alone; becauſe the man, who acts in a real civil capacity, who has talents for the adminiſtration of public and private concerns, who can govern cities by his counſels, maintain them by his laws, and meliorate them by his judgments, cannot, indeed, be any thing but the Orator. Now, though I grant, that I ſhall uſe ſome things contained in books of philoſophy, I muſt, however, aſſert, that they belong by right to our work, and in a peculiar manner to the Art of Oratory; and if often I muſt diſcuſs ſome queſtions of moral philoſophy, ſuch as points regarding juſtice, fortitude, temperance, and the like; ſcarce a cauſe being found, in which there may not be ſome debate or other upon theſe topics, and all requiring to be ſet in a proper light by invention and elocution; ſhall it therefore be doubted, that wherever the force of genius, and a copious diſſertation are required, but that there in a particular degree is pointed out the buſineſs of the Orator?

As nature unites philoſophy and eloquence, ſo likewiſe duty links them with each other; and from

from this notion Cicero plainly infers, that the ſame perſons ought to be reckoned Philoſophers and Orators *. But a diſtinguiſhing mark was afterwards affixed to theſe ſtudies, and inattention was the cauſe of introducing the ſeeming diverſity of arts. For, as ſoon as ſpeaking was acted by lucrative views, and the inſtitution of eloquence became depraved by the abuſe of integrity, they who were any way poſſeſſed of the talent, relinquiſhed the care of the moral duties of life: and thus it happened, that Eloquence ſhamefully deſerted, was made a prey to the weaker kind of wits. Some afterwards diſguſting the labour of well-ſpeaking, ſet themſelves apart for improving the mind, and eſtabliſhing laws for the conduct of life. Theſe retained, indeed, the better part, if it could be divided; but aſſumed to themſelves the very arrogant title of "the only Profeſſors of "Wiſdom," a title, which neither the greateſt emperors, nor the beſt qualified for the moſt weighty affairs of ſtate, and adminiſtration of all the departments of a commonwealth, ever preſumed to appropriate to themſelves; for they rather ſought the doing, than the promiſing of the beſt things. It muſt, however, be allowed, that many of the ancient profeſſors of wiſdom have delivered ſeveral good and inſtructive precepts, and copied them in their lives; but in our † times, the greateſt abominations have lurked in the gene-

* Lib. iii. de Orat. 56, 62, 72, 73, 107, 108, 122, 123.

† Quintilian ſeems to have written theſe remarks about the time, when the philoſophers, on account of their corrupt morals, as appears from Juvenal, were baniſhed the city by an edict of Domitian.

rality of that denomination. To be accounted philoſophers, they took no pains about virtue and an application to ſtudy, but made a mournful dejected air, and a garb of affectation the maſk of the worſt of morals.

Now we all treat of the things which are ſaid to be the property of philoſophy, who now does not diſcourſe upon juſtice, equity, the ſovereign good; even the moſt abandoned diſcuſs their moral fitneſſes? Which of our peaſants likewiſe does not make inquiries into natural cauſes? for the propriety and difference of words ought to be in common to all who pay any regard to their language; but the Orator, thoroughly converſant with theſe matters, will be able to clothe them with a ſuitable elegance and energy of expreſſion; and when once he is arrived at perfection, there will be no occaſion to have recourſe to the ſchools of philoſophers for precepts of virtue. At preſent, it is ſometimes neceſſary to conſult the authors, who have, as I ſaid, engroſſed the deſerted, yet better part of the Art of Oratory, and to reclaim it as our property, not ſo much for adopting their inventions, as to teach them that they have uſed what did not belong to them.

Let therefore the Orator be as the real ſage, not only perfect in morals, (for that, as I judge, is not ſufficient, though there are who diſagree with me); but alſo in ſcience, and in all the requiſites and powers of elocution. Such, perhaps, never yet exiſted; but we are not the leſs to make advances towards perfection: the road has been already paved for us by many of the ancients, who laid down and inculcated precepts of wiſdom, though

though of opinion that a true ſage had not yet appeared in the world. Undoubtedly, a conſummate Eloquence is ſomething, and to attain it is not denied to the nature of the human genius. Should we find it above the reach of our abilities, let us notwithſtanding think, that thoſe ſhall proceed farther, who make noble efforts to arrive at the height, than theſe, who, overwhelmed by the deſpair of ſucceſs *, ſink immediately to the bottom.

III. The reaſons I have offered, may contribute, in ſome meaſure, towards my being pardoned for not paſſing by ſuch things of leſs moment, yet neceſſary to the work I am about. The firſt book ſhall contain what is previous to the duty of a rhetorician. In the ſecond, I will treat of the firſt elements of rhetoric, and the queſtions concerning its ſubſtance. The five following will be allotted for invention, to which is ſubjoined diſpoſition. Elocution will be compriſed in four, to which belong memory and pronunciation. One ſhall be added to form the orator; and here, as far as my poor abilities may permit, I ſhall throw together ſome reflections on the morals that ought peculiarly to characterize him; the methods he ought to proceed by in undertaking, learning, and pleading of cauſes; the kind of eloquence that ſuits him; the time for laying aſide his pleadings and retiring; and the employments of his retreat.

* *Preſumptâ deſperatione*, conceiving deſpair before the attempt of a thing, imagining it impracticable.

IV. My ſtyle and manner of writing being likewiſe made to agree with the nature of things, as they occur, I will not convey to the ſtudious a bare knowledge of * precepts, on which alone ſome have beſtowed the name of art, nor teach rhetoric as the law; but I will ſo write, as that the reading of my work may nurture diction, and fortify eloquence. For moſt commonly ſuch poor naked arts, through an overſtrained affectation of preciſion, break and ſhatter all that is generous in a diſcourſe, dry up all the ſap of the genius, and leave it like a ſkeleton-body with naked bones. Undoubtedly bones are neceſſary, but they ſhould adhere to each other by their reſpective ligaments, and be covered with muſcular fleſh. I ſhall not therefore confine myſelf to † mere precepts, as moſt have done; on the contrary, all that has been thought neceſſary to conſtitute an orator, has been brought into the compaſs of theſe twelve books, every article being conciſely demonſtrated; for ſhould I ſay as much upon each particular as might be ſaid, there would be no end to the work.

It muſt, however, be acknowledged, that precepts and arts are of no efficacy, unleſs aſſiſted by nature. The perſon therefore that wants a genius, will reap as little benefit from theſe writings, as barren ſoils from precepts of agriculture. There are other natural qualifications, as a clear, articulate, and audible voice; ſtrong lungs; good

* Quintilian means the neceſſary precepts of rhetoric, and alludes to the ſtyle of lawyers who interpret the laws in a jejune and dry manner.

† *Particulam illam.*

health;

health *; ſound conſtitution; and a graceful aſpect; which, though indifferent, may be improved by obſervation and induſtry; but are ſometimes wanting in ſo great a degree, as to vitiate all the accompliſhments of wit and ſtudy: even the beſt talents avail nothing without the help of a ſkilful teacher, attentive and conſtant ſtudy, and a continued practice of writing, reading, and ſpeaking.

CHAP. I.

Of the Education of the future Orator.

I. *That nature is not ſo much wanting to children as care.* II. *What kind of perſons, nurſes, parents, tutors, and boys, with whom the future orator is to be educated, ought to be.* III. *The Greek language to be firſt learned.* IV. *Boys can learn before they are ſeven years old.—But ought not to be urged to too great an application in their tender years.—Why he treats of ſuch inconſiderable matters.*—V. *Of reading and writing.*

I. AT the birth of a ſon, let a father conceive the beſt hopes of him: thus will he be more careful from the beginning. For it is a falſe complaint that few are endowed with the faculty of conceiving what they are inſtructed in, and that moſt miſpend their time and application by the dulneſs of apprehenſion. On the contrary, you will find many of quick conception, and ready at learning. Such is the picture of man's nature; and as the deſtination of birds is for flying, of horſes for the ſwiftneſs of courſe, of wild beaſts

* *Corporis firmitas.*

for

for a ferocious diſpoſition; ſo, the employment and acute reflections of the mind, being properly calculated for rational beings, we thence conclude that the origin of our ſouls is celeſtial. But the * dull, and they who cannot learn, are no more produced according to the order of human nature, than bodies remarkable for ſomething unuſually monſtrous. Few examples, however, of this ſort are met with; and that care is more wanting to children than nature, is evident from the ſprightlineſs we perceive in their tender years, which is ſuffered to decay of itſelf. I allow that the genius of one is more excellent than that of another; but culture effects more or leſs, and there is not one but has acquired ſomething by ſtudy. Let therefore the parent, who is perſuaded of this, uſe all his diligence to forward the hopes of a future orator.

II. Nurſes ſhould not have an ill accent, and Chryſippus would have them learned, if poſſible, or at leaſt of the more prudent and virtuous ſort. Their morals are firſt to be inſpected; next the proper pronunciation of their words ought to be attended to. Theſe are the firſt the child hears, and it is their words his imitation ſtrives to form. We are naturally tenacious of the things we imbibe in our younger years: new veſſels retain the ſavour of the ingredients firſt put into them; and the dye by which wool loſes its primitive whiteneſs cannot be defaced. The worſe things are,

* Theſe two vices, *hebetes* and *indociles*, he oppoſes to two virtues, which he mentioned a little before: *faciles in excogitandis, & prompti ad diſcendum.*

the

the more ſtubbornly they adhere. Good is eaſily changed into bad, but when was bad ever converted into good? Let not therefore the child, even while an infant, accuſtom himſelf to a manner of ſpeech, which he muſt unlearn.

As to parents, I could wiſh they were very learned. I ſpeak not of fathers only, for it is well known that * Cornelia, the mother of the Gracchi, contributed greatly to their eloquence, witneſs the great erudition we find in her letters. Lælius's daughter is ſaid in ordinary converſation to have copied her father's eloquence; and the ſpeech of the † daughter of Quintus Hortenſius before the ‡ Triumvirs, was not only an honour to her own ſex, but may even be a credit to ours. Nevertheleſs they, who are ſo unhappy as not to have learned, ought not on that account to be regardleſs of their children's inſtruction; on the contrary, they ſhould be attentive to every particular part of it, with greater diligence.

What has been ſaid in regard to nurſes, is enough for forming a judgment in regard to the boys, in whoſe company the future orator is to be educated.

The chief care muſt be, either in making choice of ſkilful ‖ tutors, or of ſuch as are conſcious to themſelves that their abilities are inconſiderable. For nothing is more odious than the infatuation of

* See Cicero *in Brutum*, concerning Cornelia and Lælius's daughter, 211.

† See this hiſtory related by Valerius Maximus, l. viii. c. 3.

‡ Cæſar Octavianus, Antony, and Lepidus.

‖ The governors or attendants of children, were moſt commonly freed men, *Liberti*.

thoſe, who imagine themſelves learned, from having made ſome ſmall advances beyond the firſt rudiments of literature. They think it beneath them to yield to the experienced, and, big with a notion of authority, the common failing of their kind, become haughty and boiſterous, and in this humour, vent their ſententious fooleries. Their miſconduct is likewiſe of ſingular prejudice to manners, as may appear from the teſtimony of the * Babylonian Diogenes, who ſays that Alexander's governor, Leonides, tainted him with ſome imperfections, which, as habituated to in his childhood, he could not well rid himſelf of in more advanced years.

If I ſeem to require too much, let it be conſidered, how hard a matter it is to form an orator. Suppoſing even none of the things I hinted, were wanting to his formation, ſtill more difficult things remain. Conſtant ſtudy, maſters of great abilities, and frequent inſtructions, in the exerciſe of oratorial faculties, are points highly neceſſary. Let therefore the beſt things be taught him; and if a tutor imagines this an embarraſſment, the fault muſt not be imputed to the method † I preſcribe, but rather to his neglect.

Now ſhould the nurſes, children, tutors, happen not to be ſuch as I would have them; at

* The Babylonian Diogenes, Quintilian here mentions, was a Stoic Philoſopher, and aſſociated with Carneades and Critolaus in their famous embaſſy to Rome.

† *Quidquam* ſhould be underſtood in the text to make the ſenſe out. It will not be the fault of the *Method*, as the beſt things are preſcribed, but the fault of the *Man*, that is, of thoſe, who in inſtructing youth, do not chuſe to abide by what I adviſe, as too troubleſome and difficult.

leaſt,

leaſt, let an experienced maſter of language give conſtant attendance, and inſtantly correct any word, which is improperly pronounced in his pupil's preſence, in order that he may not be ſuffered to contract a habit of it. But what I before mentioned muſt be underſtood to be good, and this a remedy.

III. I would adviſe the teaching of Greek firſt to a boy, becauſe the Latin in common uſe, will come of itſelf; and, as our Accidence has been borrowed from the Greeks, it will not be amiſs to be firſt verſed in theirs. This ought not to be ſo punctually obſerved, as that he ſhould ſpeak and learn nothing for a conſiderable time but Greek, as is cuſtomary with many: for thus by foreign ſounds a corrupt manner of ſpeech, and accent, are acquired; and a long practice of a Greek † idiom cannot be laid aſide, even in the ſpeaking of a different language. The Latin therefore muſt ſoon follow, and both in a ſhort time go together: ſo it will come to paſs, that when we equally improve both languages, the one will not be hurtful to the other.

IV. Some were of opinion that children under ſeven years of age, ought not to be made to learn; becauſe that early age can neither conceive the meaning of Methods, nor endure the reſtraint of ſtudy. Heſiod was of this opinion, as appears from the authors who lived before the time of Ariſtophanes the grammarian. He was the firſt

† By a *Greek Figure* in the Latin text, is meant a Greek idiom, or manner and form of ſpeaking peculiar to the Greeks, and not ſuitable to the Latin idiom.

who denied that the * ὑποθήκας, wherein this precept is found, was written by Heſiod. Others, among whom Eratoſthenes, had likewiſe inculcated this maxim. But I agree with thoſe, as Chryſippus, who think that no time ought to be exempted from its proper care: for though he aſſigns three years to nurſes, he judges that even their inſtructions may be of ſingular benefit. And why may not years, which can be mended by manners, be improved alſo by learning? I am not ignorant, but that one year will afterwards effect as much as all the time I ſpeak of will ſcarce be able to compaſs; and they who think with me, ſeem in this reſpect, not ſo much to have ſpared the learner, as the teacher. What better can they do, when once they can ſpeak? They muſt neceſſarily do ſomething; or, why muſt we deſpiſe this gain, how little ſoever, till ſeven years are expired? For though the advantage of the firſt years be inconſiderable, a boy, notwithſtanding, will learn a greater matter that very year, in which he has learned a leſs. Such yearly advances will at length make up ſomething conſiderable; and the time ſpent well and ſaved in infancy, will be an acquiſition to youth. The following years may be directed by the ſame precepts, that whatever is to be learned, may not be learned too late. Let us therefore not loſe this firſt time; and the rather, becauſe the elements of learning depend upon me-

* Ariſtophanes, a grammarian of Byzantium, ſaid that Heſiod was not the author of the book intituled ὑποθήκας, which ſignifies, *Precepts*. ἐποίει τας Κροίσου ὑποθήκας, he acted according to Crœſus's advice. Herodotus.

mory,

mory, which moſt commonly is not only very ripe, but alſo very retentive in children.

But I am not ſo great a ſtranger to the management of tender years, as to think that a heavy hand ought to be kept over children, and that they can fully ſatisfy what is enjoined them. Great care muſt be taken, that the child, who cannot yet love ſtudy, ſhould not hate it; and that the diſguſt he had once taken, might not deter him in more advanced years. Study ought to be made a diverſion to him; the maſter ſhould aſk him queſtions and praiſe him; he ſhould be let to take ſome pleaſure in, and be fond of his own little knowledge. If he refuſes to learn, teach another before him; this will excite his emulation. Let them contend with each other, and let him fancy that he has often the advantage on his ſide: rewards too, are a very prevailing argument with children.

Inſtructions on ſubjects ſo inconſiderable, may ſeem to depreciate our grand deſign of forming the Orator; but all ſtudies have their infancy, and as the bringing up of the ſtrongeſt bodies, takes a beginning from milk and a cradle; ſo he, who may hereafter be moſt diſtinguiſhed for Eloquence, had his ſqualling time; his firſt ſpeech was a jargon of half-formed words, and the figures of the alphabet ſtruck him with amazement. Becauſe, perhaps, the learning of a trivial matter is of no great moment, ſhall it be therefore ſaid, that it is not neceſſary? A father is not found fault with, for not neglecting the leaſt trifles with regard to his ſon's education; ſhall it then be reckoned amiſs, if one ſhould publiſh the good regulation of his family,

mily, to benefit others by his example? Add to this, that theſe little matters are more proportioned to childrens capacities; and, as bodies cannot be formed to certain ſupple flexures of the joints but when young; ſo the mind, unleſs made pliable in the beginning, becomes ſo callous with age, as to be ever after unfit for many things. Would Philip, king of the Macedons, have his ſon Alexander taught the firſt rudiments of learning by Ariſtotle, the greateſt philoſopher of the age? Or, would Ariſtotle have taken upon him that charge, were not both very ſenſible, that it is a matter of the greateſt importance, to have the firſt principles of ſtudies conducted by the moſt perfect? Let it therefore be ſuppoſed, that Alexander is put under my tuition; that a child, deſerving of ſo much care, is placed on my lap, though every one's child is equally dear to them, ſhould I be aſhamed, even upon the firſt rudiments, to point out ſome ſhort method of teaching?

V. It is a common fault with maſters to teach children the names and order of letters, before they become acquainted with their forms. This hinders their knowing them, as not attending to the way they are figured, by running them over by heart. For which reaſon, teachers, when they have left long enough the letters ſettled in the proper order, in which they are uſually firſt written, ſhould have them all paſſed over backwards, and variouſly changed and ſhifted, till known at firſt ſight, and not by their order. In this manner they will be thoroughly learned, and exactly diſtinguiſhed, as different men by their different dreſs and names.

But

But this precaution for learning letters is of no ſignificancy in regard to ſyllables.

I exclude not alſo the cuſtom of exciting children to learn, by giving them ivory figures of letters to play with, or if there be any other pretty invention to amuſe them by handling, looking at, or naming.

When the alphabet is learned in different poſitions, it will not be amiſs to have the letters graven on a plate, that the * ſtylus may be drawn through the furrows made in them. By this means, no miſtake will be made, as in wax-tablets, both ſides having margins and fixed bounds, which cannot be ſurpaſſed; and the child, by expeditiouſly and frequently following the impreſſed track, will ſtrengthen the joints of his fingers, and not require the help of a hand placed over his to direct him. The care of writing well and faſt, is no indifferent matter, though moſt commonly neglected by the better ſort. It is a great acquiſition to ſtudy, and a good method will facilitate and further its progreſs; whereas to write ſlow is a hindrance and delay to thought. Miſhaped and confuſed writing can neither be well read nor underſtood; whence follows the additional labour of dictating the neceſſary corrections: ſo that whoever contracts the habit of a fair and well-proportioned hand, will in ſeveral reſpects find its benefit, but more eſpecially

* Stylus, a kind of pen, of wood or ivory, uſed by the ancients for writing, moſt commonly on waxen-tablets. With one end they wrote, and with the other expunged.—It ſeems by this paſſage, that it was cuſtomary with the ancients to teach their children, firſt to know and tell the letters, and immediately after to write them. The ſame may be ſaid of ſyllables and words.

in tranſacting private buſineſs, and correſponding with friends and acquaintance.

There is no ſet compendious method for teaching ſyllables, therefore they are all indiſcriminately to be learned; and the moſt difficult, as is commonly done, ſhould not be reſerved for another time, that all of them may be known when children come to write * them. They are not to be got by heart promiſcuouſly: frequent repetition will fix them in the memory to greater advantage; and the reading of them ought not to be precipitate, unleſs a plain and eaſy connection of the letters with each other, ſhews that this can be effected without a delay of thought. Next muſt follow the formation of words from ſyllables, and ſentences from words. It is incredible how much haſte retards reading; and they who in this reſpect attempt to get forwarder than they well can, fall into doubts, and ſtammerings, and repetitions, and in their miſtakes are even diffident of the things they know. Let therefore the firſt reading be ſure, next connected, and ſlow for ſome time, till practice facilitates an exact readineſs. For to look to the right ſide, is not only a method generally preſcribed but alſo uſed; and he who keeps in view what follows, muſt read at the ſame time what goes before; and what is moſt difficult, muſt divide the attention of his mind between his voice and eyes.

There is another thing deſerving of our care, which is, that when the boy is ſet to write words, he may not loſe, as is cuſtomary, his time and pains upon copying a vulgar and frivolous voca-

* Some read *nominibus* for *omnibus*, and the ſenſe will then be, "When children come to write words."

bulary;

bulary; becauſe he may then learn, while as otherwiſe employed, the interpretation of abſtruſe words, called by the Greeks * γλώσσας, and thus with his rudiments attain the knowledge of a thing, which ſhould afterwards require its own time.

As ſtill we diſcuſs ſmall matters, I would have the writing-copy-lines to conſiſt not of idle ſentences, but to inculcate ſome virtuous precept. The remembrance will continue to old age, and the impreſſion on a tender mind may prove conducive to moral life. The ſayings likewiſe of illuſtrious men, and ſelect paſſages out of poets, things very agreeable to children, may be learned by way of diverſion.

Memory, which we ſhall treat of in its proper place, is extremely neceſſary to an Orator, and exerciſe is its chief ſtrengthening and nouriſhing food; and in the years we now ſpeak of, which can produce nothing of themſelves, it is almoſt the only thing that can help and ſecond the care of teachers.

That children may have their organs of ſpeech, fitted for a juſt pronunciation, and the due emphaſis of words, I think it not improper to make them repeat with all poſſible celerity, certain † words and verſes of an affected difficulty, chained together by a jumbling and jingle of many harſh, hoarſe, and jarring ſyllables. They are called ‡ χαλεποὶ in Greek. This may be ſaid to be a mat-

* Quintilian himſelf, in chapter fifth of this book, calls *gloſſemata*, words not in common uſe.

† As *perterricrepus*. Ariſtophanes has the words σφραγιδονυχαργικομηταϛ and κομποφακελοῤῥήμοσα. And this old verſe:
Fraxinù fixa ferox infeſta infunditur oſſis. CAMER.

‡ Difficult, crabbed.

ter of little ſignificancy, but its omiſſion may make the pronunciation extremely faulty, and unleſs prevented in the firſt years, will prove ever after incorrigible.

CHAP. II.

Whether public or private tuition is better for Children.

I. *He refutes what is commonly objected againſt public Schools, and is of opinion,* 1. *That they are not prejudicial to morals:—and here paſſes a ſevere cenſure on the pernicious indulgence of parents.* 2. *That they are not hurtful to ſtudy.* II. *He demonſtrates, by many arguments, the utility of ſchools.*

AS the boy grows up, he muſt inſenſibly be weaned from all infantile toys and indulgence, and begin to learn in earneſt. Here is the place for diſcuſſing a diſpute concerning public and private tuition, and determining which has the greater advantages.

I. To the public, the greateſt legiſlators and moſt eminent authors have given the preference; but ſome, for certain particular motives, diſſent from this almoſt univerſally received cuſtom, alledging two principal reaſons in ſupport of their opinion. The firſt, is the riſque a child's morals run, from the commerce he muſt neceſſarily maintain with numbers of the ſame age, who are much prone to vice, and whoſe corrupt examples are the cauſes of all the irregularity we perceive in the conduct of others. I wiſh this complaint was groundleſs! The ſecond, that a maſter, abſtracting from the conſideration

tion of his abilities, can beſtow more of his time upon one, than when divided amongſt many. The firſt reaſon carries great weight with it; for if it be true, that ſchools are ſerviceable to learning, but prejudicial to morals, I ſhould rather recommend the inſtructing a child in upright life than eloquent ſpeaking. But theſe two particulars are ſo intimately connected with each other, that I cannot imagine how honeſty can with propriety be ſeparated from the Orator; and if it could, it ought not with my conſent. Let us therefore firſt examine this point more at large.

1. It is thought that ſchools are a nurſery of vice: they are ſo ſometimes, and a parent's houſe is equally the ſame: there are many inſtances of innocence loſt and preſerved in both places. Nature and education are the only particulars that conſtitute a difference between perſons. Should a boy be inclined to bad courſes; ſhould his tutors be remiſs in forming his tender heart by virtuous ſentiments, and watching carefully over all his actions, the moſt recluſe life would not ſecure him from vice. His private tutor may be a man of depraved morals, and the converſation of wicked domeſtics may be as contagious as that of immodeſt companions. But if his natural diſpoſition is good, if his parents are not lulled into a blind indolence, they may chuſe for him a preceptor of unblemiſhed integrity, which ought to be the principal care of all prudent perſons; they may inure him to the ſtricteſt diſcipline; and they may likewiſe ſet over him ſome grave governor of mild perſuaſion, or ſome faithful freedman, who ſhall conſtantly wait upon him, and whoſe preſence will inſpire with

reſpect, and even improve in goodneſs thoſe whoſe company may have been ſuſpected.

It would be eaſy herein to remedy our apprehenſions. I wiſh we were not ourſelves the corrupters of our childrens morals. We firſt quite ſpoil their infant-years with all ſorts of delicacy; and that ſoft education, which we call indulgence, emaſculates all the vigour of the mind and body. What will not a grown-up child deſire, who has been accuſtomed to all the apparatus of ſumptuous apparel? He ſcarce can articulate a few words, yet knows what will make him appear very * fine, and withal requires the greateſt niceties of food. The gratifications of his palate are more conſulted than his † morals. They grow up, practiſed in the eaſe of being carried about in ſedans and litters; and when they alight, for fear of touching the ground, are upheld and balanced on all ſides within the officious arms of attendants. It gives us a ſenſible pleaſure to hear them expreſs words of rather too licentious an import; and ‡ words, not even ſupportable

* *Coccus* in the text, or *quiſquilium*, cochineal, is that granular inſect, wherewith ſcarlet is dyed. *Conchylium* is a ſpecies of ſhell-fiſh, and of the murex, from which the ancients expreſſed a colour not unlike purple. Some read *Cocum Cequum*, and by *Conchylia* underſtand *nice taſted fiſhes*; ſo that, according to them, this intire paſſage ſhould be referred, not to *ſumptuous apparel*, but *delicate food*. Others have reſtrained the meaning of the text to *dreſs* alone, by ſubſtituting *paratum* in the place of *palatum*. Others again have kept *palatum* and explained it in that ſenſe; but it ſeems more natural that Quintilian meant both a taſte for dreſs, and the ſtudied refinements of the pleaſures of the table.

† In ſome manuſcripts and printed editions we meet with *mores inſtituimus*, inſtead of *os inſtituimus*, which ſeems more genuine.

‡ So we have tranſlated *verba ne Alexandrinis quidem permittenda a licitis*. Quintilian alludes here to the ſacrifices of Serapis,

portable in the mouths of the moſt lewd, we receive with laughter, applauſe, and kiſſes. No wonder: we have taught and they have heard them from us. Every entertainment echoes with obſcene ſongs, and impudent airs of muſic. Things I ſhould bluſh to mention, are made objects of their ſight. Firſt, theſe become habitual, next natural. The poor things learn vice before they know it to be ſuch; and thus quite vitiated and debauched, rather bring the infection into ſchools, than receive it from them.

As to the ſecond reaſon, "That a tutor, who has but one to take care of, can beſtow more time on his inſtruction," what ſhould hinder him, who is brought up in ſchools, from having one? But if this could not conveniently take place, I ſhould prefer the broad day of a virtuous aſſembly to the obſcurity and ſolitude of private families. The beſt of maſters are fond of ſeeing about them a number of pupils, and think themſelves worthy of a more ſpacious theatre for the exertion of their abilities: whereas thoſe of an inferior rate, from a conſciouſneſs of their inſufficiency, take up with the function of pedagogues, not reputing it beneath them to confine themſelves to one or few. But ſuppoſe a perſon, by intereſt, friendſhip, or money, ſhould keep at his houſe a maſter of conſummate abilities: can ſuch ſpend the whole day upon one? Or, can the application of his pupil be ſo conſtant, as not to admit of a fatigue, as it happens to the eyes long intent upon viewing an object? Add to this, that ſtudy requires ſolitude;

pis, which were ſolemnized near Alexandria, by the moſt lewd of both ſexes.

and whilſt a child learns his leſſon, whilſt he writes, thinks, and meditates, there is no occaſion for a maſter, the leaſt interruption ſerving only to embaraſs him. Neither does he require aſſiſtance in the reading and interpreting of ſome books: if he did, when could the knowledge of ſo many authors be acquired? All therefore that ſeems neceſſary, is to preſcribe his taſk for the whole day, which takes up but little time: ſo, what is taught one, may be taught many, the nature of moſt things being ſuch, as to admit of a communication to all by the ſame voice. Not to mention * Rhetorical Themes and Declamations, the whole of which, let the number be ever ſo great, each may take away with him. For the voice of a maſter, and a feaſt, are not ſimilar caſes. The feaſt diminiſhes in proportion to the greater number of gueſts; but the maſter's voice is like the ſun, diſtributing equally its light and heat to all. Should a grammarian make diſſertations on the nature of a language, ſhould he ſolve the intricacies of a queſtion, or clear up a paſſage in a poet or hiſtorian, will not as many learn as hear him?

But it is ſaid that one maſter cannot thoroughly examine a number of ſcholars, nor correct their compoſitions. I grant it is not in his power; for what is not attended with an inconveniency? But this I ſoon will compare with the advantages. I

* Partitiones et Diſtributiones Rhetorum. *Partitiones* are properly the diſtributions, or the principal heads, and parts of a theme, compoſed and dictated by the maſter, as a matter for declamation, divided into its parts. *Declamationes* is the ſame ſubject-matter, which the maſter having diligently ſtudied and worked up at home, either pronounces or dictates in ſchool.

would

would not, however, adviſe the ſending of a child to a ſchool, where he is likely to be neglected: neither ought a good maſter to burden himſelf with more pupils than he is well able to teach: particular care ought likewiſe to be taken that this maſter be a boſom friend, and that his inſtruction proceed rather from the ſecret emotions of his affection, than the ſenſe of his duty. By this means our children will never be confounded in an undiſtinguiſhed croud; and no maſter, even ſlenderly verſed in literature, but will for his own credit cheriſh him, in whom he perceives both application and genius. But if crouded ſchools are to be avoided, a thing I do not agree to, when the reputation and merit of the maſter is the cauſe of his being reſorted to; it follows not, that all ſchools are to be equally avoided, as there is a wide difference between avoiding intirely, and making a proper choice.

II. Having refuted what is commonly objected againſt public ſchools, I ſhall now explain my own ſentiments on the matter. Above all, let the future Orator, who muſt appear in the moſt ſolemn aſſemblies, and have the eyes of a whole republic fixed on him, early accuſtom himſelf, not to be abaſhed at facing a numerous audience, the reverſe of which is a natural conſequence of recluſe and ſedentary life. His mind muſt be excited and kept in a ſtate of conſtant elevation; otherwiſe retreat and ſolitude will force it to droop in languor; it will contract ruſt, as it were, in the ſhade, or on the contrary, become puffed up with the vanity of pride and ſelf-love; for one that compares himſelf to none, cannot help attributing too much

to

to himſelf. Afterwards, when obliged to make a ſhew of his ſtudies, he is ſtruck mute; he is blind in day-light; every thing is new to him; and the reaſon is becauſe he has breathed only the air of his cabinet and learned in private, what he was to tranſact before the eyes of the world.

I make no mention of the firm and ſincere friendſhips contracted at ſchools, and religiouſly preſerved even to old age. Nothing is held ſo ſacred; and to be fellow-ſtudents, is as much as to be initiated in the ſame myſteries.

How ſhall he learn what we call * 'Common Senſe,' when he ſequeſters himſelf from ſociety, which is natural, not only to men, but to mute animals. Add to this, that at home, he can only learn what is taught him; but in ſchools he can learn what is taught others. He will hear daily his maſter approve one thing, correct another, reprimand the idleneſs of one, commend the diligence of another: the love of praiſe will excite his emulation: to yield to his equals, will be a diſhonour; to ſurpaſs his ſuperiors, a glory. All theſe are incentives to young minds, and though ambition be a vice, it is often the cauſe of virtue.

I remember a cuſtom obſerved by my maſters not without ſucceſs. They diſtributed the ſcholars into claſſes, and every one declaimed in his place, which was more advanced, according as he had excelled others, and had made a greater progreſs. Judgment being to be paſſed on the performances, the contention was great for the reſpective degree

* *Senſus Communis.* By it Quintilian underſtands a kind of knowledge and experience we inſenſibly acquire by converſing with men. Cicero calls it *common prudence.*

of

of excellence; but to be the firſt of the claſs, was eſteemed ſomething very grand. This was not a deciſion to continue always: every thirtieth day renewed the diſpute, and made the vanquiſhed more eager for again entering the liſts. He who had the ſuperiority, ſlackened not his care; and he who was worſted, was full of hopes to wipe off diſgrace. I am perſuaded, that this gave us a more ardent deſire, and a greater paſſion for learning, than all the advice of maſters, care of tutors, and wiſhes of parents.

As nothing is ſo conducive for making a progreſs in learning as emulation, ſo beginners and children ought rather to rival their ſchool-fellows than maſters, their imitation, as eaſier, being more agreeable to them. For it is not poſſible that a child, who yet is but in his firſt elements, ſhould expect all of a ſudden to aſpire to the eloquence of a man, whom he reputes to have eminently ſuperior talents to himſelf and others. He will therefore proportion himſelf better to what is within his reach; as vines, planted cloſe to trees, firſt catch and twine about the lower branches, and at laſt ſhoot up to the top. This notion may likewiſe be applicable to ſuch maſters, as are more acted by a deſire of proving uſeful, than making a ſhew of their wit. In teaching children, they ought not all at once to over-burden their weakneſs, but by leſſening deſignedly their own knowledge, adapt it to their intellects. Pour water haſtily into a veſſel of a narrow neck, little enters; pour it gradually and by ſmall quantities, it is filled. So with children, we muſt ſee what they are capable of. Things too elevated, and not within there

ſphere,

ſphere, cannot have admiſſion into minds, not yet ſufficiently open to receive them. It is therefore neceſſary they ſhould have an object of imitation, till they are in a condition to ſurpaſs it, and thus we may hope for their making inſenſibly a greater progreſs. To what has been ſaid on this head, I ſhall add this farther reflection. A maſter, who has but one pupil to inſtruct, can never give unto his words that energy, ſpirit, and fire, which he would, if animated by a number of ſtudents. The force of eloquence has its reſidence in the ſoul: the ſoul then muſt be affected in a very lively manner; ſhe muſt figure to herſelf the images of things; ſhe muſt transform herſelf, as it were, into the very nature of the ſubjects we ſpeak of. Now, the more noble and exalted the ſoul is, the more grand the object ought to be which ſhould move her; her efforts give her a new ſupply of ſtrength, and ſhe ſeems to exult in great attempts. There is a ſecret diſdain felt in laviſhing upon one the powers of Eloquence, acquired by ſo much pains. There is a ſhame annexed to the raiſing of diſcourſe above what is ordinary. And indeed, let us conceive a man in the act of making a ſpeech, his air, his voice, his gait, his pronunciation, his action, his tranſports, his fatigue, and all for the inſtruction of a ſingle perſon; would not his behaviour ſeem in a great degree allied to madneſs? Undoubtedly, eloquence would never have exiſted, if men had confined themſelves to ſpeak for one, or in private.

CHAP.

CHAP. III.

I. *By what ſigns the genius of Children is diſcerned.* II. *How the Learner's diſpoſition is to be treated and managed.* III. *Of the Diverſions of Children.* IV. *That Children are not to be whipt, or beaten.*

I. A Skilful maſter, who has a child placed under his care, muſt begin by ſounding well the character of his genius and natural parts. Memory is the principal ſign of a genius in children. Its qualities are two-fold, an eaſy conception and faithful retention. Next comes Imitation, which argues in like manner a tractable nature, and ought to be ſo directed, as not to ape the air, the garb, the gait, and aukward ways of others; but rather to expreſs and repreſent exactly the things it learns. I muſt indeed entertain but ſlender hopes of that child's wit, who by imitating oddities ſhould ſtrive to make himſelf ridiculous: for the truly ingenious can be no other than the virtuous; and the ſlow genius in my opinion, is a degree above the vicious. Still the virtuous will ſtand at a very wide diſtance from the heavy and groveling. The witty child I form to myſelf an idea of, will eaſily learn all that is taught him. Sometimes he may aſk little queſtions, but will rather follow than run before. That ſort of wits, which ſeem ripe before their time, ſeldom or ever come to any perfection. They are very ready at executing little things, and with an air of deciſion ſhew all their knowledge at once. This is perceptible when they firſt learn to read; for without

without heſitation, and not in the leaſt deterred by the ſhame of their miſtakes, they join words together and confound the ſenſe; ſo that their readineſs terminates in little or nothing, having no real ſtrength to invigorate them, nor ſufficiently deep roots to be a ſupport and nurture to their growth. Such is the ſudden ſprouting up of ſeeds caſt on the ſurface of the ground; or blades of corn which grow yellow before the harveſt, but have empty ears. Theſe ſuperficial ſparklings of wit compared with children's years, may be applauded, and indeed ſeem conſiderable; but we are undeceived by beholding this wonderful progreſs ſuddenly at a ſtand.

II. Theſe obſervations being made on a child's genius, the next thing that falls under conſideration is the management of his diſpoſition. Some are indolent unleſs ſpurred on, others reſent to be maſtered; ſome are kept to their duty by fear, others are diſcouraged; aſſiduity betters ſome, others learn by ſpurts and ſtarts. But give me the lad, who is excited by praiſe, who is ſenſible of glory, and who weeps, when worſted. Let theſe noble ſentiments work in him; a reproach will ſting him to the quick; a ſenſe of honour will rouze his ſpirit; in him ſloth need never be apprehended.

III. Children, however, muſt be permitted ſome relaxation, not only becauſe there is not any thing capable of enduring continued labour, a fact verified even in bodies without ſenſe and life, which cannot preſerve their due force and elaſticity unleſs recruited by alternate reſt; but alſo, becauſe the deſire of learning is placed in the faculty of the will, which cannot bear conſtraint. When

therefore they have refreſhed themſelves by a little recreation, they return with new vigour to their ſtudies, and their minds which moſt commonly otherwiſe ſpurn the yoke of compulſion, become more tractable and have clearer conceptions. I am not diſpleaſed at play in children: it is a ſign of their vivacity; but the boy whom I obſerve to be always gloomy and downcaſt, affords no great expectations of a ſprightly diſpoſition for ſtudy, becauſe languid and dead to that ardour for play, which is ſo natural to thoſe of his age. In this notwithſtanding, as in all other particulars, there is a mean to be kept: deny them play, they hate ſtudy; allow them too much of it, they acquire a habit of idleneſs. There are certain amuſements that ſerve to ſharpen childrens wits, ſuch as the propoſing of little queſtions, which they eagerly endeavour to ſolve. Play alſo eaſily diſcovers the bent of their temper and moral character; and hence it may appear, that there is no age, though ever ſo infirm and tender, but is capable of receiving the impreſſion of good and evil; and that then more eſpecially its culture ought to be attended to, when unacquainted with the arts of diſſimulation, and pliable in the hands of a teacher. It is eaſier to break, than to amend what is hardened in corruption. A child therefore, cannot be too ſoon admoniſhed to reſtrain his paſſions, to forſake his bad practices, and to unlearn his capricious humour of doing things inconſiderately; and they who have the care of him ought always to keep in mind this ſentence of * Virgil:

— *Adeò in teneris conſueſcere multum eſt.*

* Geor. l. ii. v. 172. On young plants.

Such

Such is the force of cuſtom in green years
Contracted. TRAPP.

IV. There is a thing I quite diſlike, though authoriſed by cuſtom, and approved of by Chryſippus, which is the whipping of children. This mode of chaſtiſement ſeems to me mean, ſervile, and as all will grant, a groſs affront on more advanced years. If a child is of ſo untoward and abject a diſpoſition, at not to correct himſelf when reprimanded, he will be as hardened againſt ſtripes as the vileſt ſlave. In ſhort, if a maſter conſtantly exacts from his pupil an account of his ſtudy, there will be no occaſion to have recourſe to this extremity. It is his neglect that moſt commonly cauſes the ſcholar's puniſhment, who is not obliged to comply with his duty, and for not having, muſt be chaſtiſed. Now, if there be no other way of correcting a child but whipping, what ſhall be done, when a grown up youth, he is under no apprehenſion of ſuch puniſhment, and muſt learn greater and more difficult things? Beſides, when children are whipt, many indecencies, not fit to be mentioned, happen either through fear or pain, which raiſe many a bluſh in their faces; and ſhame depreſſing their minds, makes them diſpirited, and ſhy of appearing in public. It will be much worſe, if the morals of maſters and tutors are not well looked into, and a good choice made of them; for I am aſhamed to ſpeak of the ſcandalous behaviour of ſome unworthy maſters, who abuſe their privilege of puniſhing; and the continual apprehenſions poor little unhappy children are thrown into, is ſometimes a handle to others for behaving in the ſame manner. I ſhall enlarge no farther on this

this ſubject; it is too much that I am underſtood: yet let this be ſufficient to give warning, that none ought to be allowed to lean too heavy on an age, ſo infirm, and ſo expoſed to injuries.

I ſhall now begin to ſpeak of the arts, which are neceſſary for the forming of an Orator, and of the things requiſite for him to do and learn in every ſtage of life.

CHAP. IV.

Of Grammar.

I. *Eulogium of Grammar.* II. *Speech, to be perfect, ought to be correct, clear, and elegant.* III. *It conſiſts likewiſe of reaſon, and the ſanction of antiquity, authority, and cuſtom.* IV. *of Orthography.*

I. AS ſoon as a child knows how to read and write, he ſhould be ſent to the grammar-ſchool. It is a matter of no great moment whether he begins with Greek or Latin, though I adviſe his firſt learning Greek; but the way that leads to the one, leads alſo to the other.

Grammar, divided into two parts, comprehends "the art of ſpeaking correctly, and the explanation of poets." By this diviſion more is to be underſtood than is expreſſed; for the art of writing is properly joined with that of ſpeaking: the explanation of poets pre-ſuppoſes a correct method of reading, and with all is blended * criticiſm. In

* The faculty of diſcerning the juſtneſs of a thought or expreſſion. The Greeks call this faculty κριτικὴν.

this laſt reſpect, the ancient grammarians have acted ſo cenſoriouſly, as to ſtigmatize ſome paſſages in poets as extremely faulty, and to treat books, which ſeemed falſely aſcribed to certain authors, as ſpurious children in a family, who had no right of inheritance with the legitimate. Some other authors they either reduced into a better form, or claſſed among the good and genuine; whilſt ſome works of others they intirely excluded * their catalogue, as ſorry productions.

It is not ſufficient to be well read in the poets; the writings of all others ought to be equally peruſed, not only on account of the uſeful tracts of hiſtory to be met with in them, but alſo for furniſhing ourſelves with a variety of expreſſions, which frequently receive their authority from their authors. Grammar likewiſe cannot be perfect without muſic, as it muſt treat of † meaſures and numbers; and without an acquaintance with aſtronomy, there is no underſtanding the poets, who, to ſpecify the viciſſitudes of times and ſeaſons, ſo often mention the riſing and ſetting of conſtellations. What ſhall I ſay of philoſophy, the knowledge of which is neceſſary for explaining many paſſages in ſuch poems, as enter into an elaborate diſcuſſion of ſome very abſtruſe natural queſtions?

* Moſt commentators ſeem to have overſtrained the ſenſe of this paſſage, by making *alios omnino exemerint numero*, ſignify *eximios fecerint, extra ingenii aleam poſuerint*. I have followed the moſt natural and literal ſenſe; as alſo in *auctores alios in ordinem redegerint*, which is not properly interpreted: "Some works they have placed in the claſs of the vulgar and indifferent." *Inter vulgares et mediocres connumerarint.*

† *Meaſure*, in Quintilian's ſenſe, conſiſts in a proportion of time, and certain order of feet. *Number*, in a proportion of time, but not in the order of feet.

Empedocles

Empedocles among the Greeks, and Varro and Lucretius among the Latins, who wrote philoſophical ſyſtems in verſe, contribute alſo not a little to make this knowledge neceſſary. Eloquence crowns the work, and helps us to illuſtrate whatever has been demonſtrated, with a propriety and copiouſneſs of diction. It is therefore evident, that no regard ſhould be paid to thoſe, who hold this art in deriſion, and conſider it as poor and trifling. It is the ſure foundation of an Orator, and without it any ſuperſtructure will unavoidably fall to the ground. It is neceſſary to youth, pleaſing to more advanced years, the ſweet companion of private hours, and the only of all our ſtudies that has in it more ſolidity than oſtentation. . * .

II. Now, as ſpeech conſiſts of the three perfections, of being correct, clear, and elegant, (for a juſtneſs of expreſſion, the chief beauty of diſcourſe, is comprehended under elegance) ſo there are many oppoſite imperfections, which the rule of correct ſpeaking, the firſt part of grammar, muſt examine into. . * .

III. To ſpeak, and to write well, require ſeparate rules. Speaking is founded on reaſon, antiquity, authority, and uſe. Reaſon, relatively to ſpeaking, depends principally on analogy, and ſometimes etymology. Antiquity recommends itſelf by a certain majeſty, and, as I may ſay, religion. Authority is built on Orators and Hiſtorians. Poets in this reſpect are not ſo much to be conſulted. The neceſſity of meaſure may, indeed, make them excuſable, unleſs it be, that when two words equally ſuit the harmony of the verſe, they prefer one to the other. Several examples of the

kind occur in * Virgil; as *Imo de ſtirpe reciſum. Aeriæ quo congeſſêre palumbes. Silice in nudâ connixa reliquit.* Their imitation, nevertheleſs, may not be improper, becauſe the judgment of eminent men in matters of eloquence, ſtands for a ſufficient reaſon, and to go aſtray with ſuch excellent guides, is honourable. Uſe, however, is the beſt maſter of language; and, as money to be current, requires to be ſtruck from the die of the ſtate, ſo language to be received, requires the conſent of the learned. .*.

Ancient words have not only warm partizans, but likewiſe grace diſcourſe with a mixture of majeſty and delight; for together with the ſanction of antiquity, they charm, from being diſuſed, by an air of novelty. We muſt, notwithſtanding, be very cautious how we uſe them; for often adopted, they become too remarkable; and affectation, than which nothing is more odious, makes them grate upon the ear. Neither would I have them fetched from the remoteſt times, and now quite defaced in our memories; ſuch are † *topper*, and *antigerio* ‡, and *exantlare*, and *proſapia*, and the poems of the Salii, which are ſcarce underſtood by their own prieſts. Religion having prohibited their alteration, we muſt hold them as things conſecrated. But how faulty will a diſcourſe be, the chief perfection of which is perſpicuity, if it wants an interpreter? Therefore, as § the beſt of new words are ſuch as have already been uſed by the learned,

* Æn. xii. 208. Eclog. iii. 69. Eclog. i. 15.
† Cito. ‡ Valde.
§ So Turnebus explains this paſſage, which I take to be the truer ſenſe.

ſo

ſo the beſt of the ancient are thoſe which have the beauty of novelty.

The ſame may be ſaid of authority; for though we are not wrong in uſing the manner of expreſſion of illuſtrious authors, yet we ſhould not regard ſo much what they have ſaid, as what they have perſuaded. Who now could endure the hazarding of * *tuburcinabundum* and *lurcabundum*, though Cato's authority may be cited for them? The like judgment may be paſſed on the *hos lodices* of Pollio, the *gladiola* of Meſſala, the *parricidatum* of Cœlius, and the *collos* of Calvus, all which expreſſions, they themſelves, if now exiſting, would have rejected.

Uſe, or cuſtom, is the laſt article that remains to be examined; and hereupon I cannot help thinking it ſomewhat ridiculous, that ſome people ſhould prefer the ancient manner of ſpeech to the modern. This ancient manner, what is it, but the ancient cuſtom of ſpeaking? But a farther reflection is here neceſſary, and it will not be improper to determine what ought to be underſtood by the word *cuſtom*. If the appellation is borrowed from what is commonly done, it will be productive of very dangerous conſequences, not only in regard to language, but, what is a much more important concern, in regard to the conduct of life. What is it that adds to our happineſs? Is it not to behold the world improved in goodneſs? If pernicious modes are now in † requeſt; if the taſte of the town

* Meaning one that devours or gobbles up with exceeding great haſte and avidity.

† By *velli*, in the Latin text, is underſtood an effeminate practice of the Romans, in plucking out the hairs on their

town is for adopting the effeminacy of adjuſting the hair into ringlets; if debaucheries are indulged at bagnios; ſhall theſe be reputed the cuſtom, though they may have ſpread over the city? No, not one of them can be free from reprehenſion; all good men condemn them. But to bathe, to ſhave, to partake of the pleaſures of the table in virtuous company, is a cuſtom; and in language, the caſe is ſimilar: follow the general manner, your diſcourſe will be corrupt; you will diſcover a thouſand improprieties in the mouths of the vulgar and the ignorant: the theatres, and all the public * places in the city ring with barbariſms. I ſhall therefore call the genuine cuſtom of ſpeaking, the conſent of the learned; as that of living, the approbation of honeſt men.

IV. Having pointed out the rule of ſpeaking, I ſhall here add a few words on that of writing. The Greeks call it orthography; and we, the ſcience of writing correctly. Unleſs cuſtom otherwiſe directs, I would have every word written, as pronounced: for the uſe and buſineſs of letters, is to preſerve ſounds, and to preſent them faithfully to the eyes of the reader, as a pledge committed to their charge. They ought therefore to expreſs what we have to ſay.

Theſe are chiefly the two parts of grammar, which treat of correct ſpeaking and writing. As to the other two, calculated for ſhewing the force and beauty of diſcourſe, I deprive not grammarians of them, but ſhall reſerve them for that part of this

bodies, to make their ſkin ſleek and ſmooth. See Juvenal and Perſius.

* Particularly the Circus.

work,

work, wherein I intend to explain the functions of a Rhetorician.

Some perhaps may repute what I have hitherto ſaid, as trifling, and think it an obſtacle to my greater deſign. I do not, indeed, pretend that the Orator ſhould deſcend to all the inſignificant niceties of grammar: their ſtudy, no doubt, would embarraſs the conceptions of his mind, and dull the ſprightlineſs of his genius. But nothing of grammar can be of prejudice, but its ſuperfluities. Was Cicero leſs the Orator for his exact obſervance of the precepts of this art? We ſee by his Epiſtles to his ſon, how ſtrictly he charges him to perfect himſelf in the propriety of language. Did Cæſar's books of analogy weaken his manly thought and expreſſion? Is Meſſala leſs elegant, for having compoſed whole volumes, not only on words, but letters? This knowledge is only hurtful to thoſe who make a particular ſtudy of it; but not to him, who but curſorily conſider it, with a view to other attainments.

CHAP. V.

What books are fit for Children to read, and of the method of teaching them to read.

I NOW proceed to reading, which cannot properly be directed by any ſet rules, practice and actual teaching being the only methods for informing a child, where he is to draw breath, where he muſt divide the verſe, where the ſenſe begins and ends; when the voice is to be raiſed and lowered, and when it is to be changed and bent into a quick

or ſlow, vehement or gentle tone. There is one thing, however, I recommend in this reſpect; and this is, that the child be made to underſtand what he reads; for ſo, he will be the better able to acquit himſelf of every particular. Let therefore eſpecially his reading be manly, tempered with a mixture of gravity and ſweetneſs; not indeed in the tone of proſe, as it is a poem he reads, and poets ſhew that they obſerve harmonic proportion: ſtill ſhould it not retain, as now generally practiſed, the modulation of an air of muſic; neither ought it to be ſoftly * thrilled into feminine ſmallneſs. Theſe affected ſtrains in reading were cenſured by Cæſar, whilſt yet but young: "If you ſing, ſaid he, you are a bad ſinger; if you read, you ſing." I would not likewiſe have † Proſopopeias, as ſome fancy they ſhould, be pronounced in a theatrical manner; all that is required, is a ſlight inflexion of the voice, for making a diſtinction between what the poet ſays, and what he makes others ſay.

There are other things needing great precaution, and principally the teaching of children, not only what is beautiful and eloquent, but in a greater degree what is good and honeſt, becauſe their yet tender and untutored minds are ſuſceptible of deep impreſſions. The reading therefore of Homer and Virgil firſt, was wiſely inſtituted; though to be

* *Plaſma*, in the Latin text, is interpreted by ſome a certain potion for taking away the harſhneſs of the fauces, and clearing and mellowing the voice. *Liquido cum plaſmate guttur mobile collueris.* PERS. Others take it for an affected ſoftneſs and delicacy of the voice, and a mincing of words. *Vocem eliquat, & tenero ſupplantat verba palato.* PERS.

† *Speeches*, put into the mouths of the different characters in a poem.

ſenſible

ſenſible of their beauties, is the buſineſs of riper judgment: but there is time enough for this, as they will be read more than once. The majeſty, however, of heroic poetry will give them an elevation of thought; the importance of the ſubject will inſpire them with noble conceptions; and their hearts, at the ſame time, will be corrected by the beſt of precepts.

Tragedy and lyric poetry are likewiſe conducive to nurture the minds of children; but of the latter, ſome ſelect paſſages only ought to be read, becauſe Greek lyrics are written with greater freedom, than can be tolerable to a chaſte ear, and Horace in ſome parts I would not chooſe to explain. As to elegies that treat of love, and * Hendecaſyllables upon immodeſt ſubjects, I would not have them, if poſſible, put into childrens hands; at leaſt, they are better reſerved for years of wiſer reflection. I ſhall ſpeak in its † place of the advantages of comedy, which may greatly contribute to the improvement of eloquence, by reaſon of its aſſumed prerogative for painting the manners, and characters, and paſſions of mankind. When morals run no riſque, comedy may be a principal ſtudy. I ſpeak of Menander, not to exclude others, even the Latins, who are not without their utility. But youth ſhould be made

* The meaning of the Latin text runs thus: "And Hendecaſyllables, wherein are ſcraps of Sotadean verſes. (As for Sotadean verſes, according to their intentional conſtruction, I would not have them even mentioned.) Sotadean verſes have frequent cæſuras or falls; and their ſignification is different, as read either backward or forward. Sotades, a poet of Alexandria, was the author of them; and their ſubject was moſt commonly obſcenities.

† Book x. c. 1.

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to read ſuch books as enlarge their minds, and ſtrengthen their genius; for erudition will take place of itſelf in more advanced years.

Though more of genius than art appears in the compoſitions of the old Latin poets, they may notwithſtanding be of ſingular advantage on account of their energy of expreſſion. Majeſty may be found in their tragedies, elegance in their comedies, and, I may ſay, a kind of * Attic taſte. The œconomy of their pieces is ſtill better conducted than that of the generality of the moderns, who ſtudy nothing ſo much as flaſhy and ſtriking thoughts, which they falſely imagine to be the perfection of all good writing. It is undoubtedly in the works of the ancients that we muſt ſeek for thoſe noble ſentiments, and that manly character of writing, which have been obliterated from among us, ſince delicacy and refinement in all ſorts of pleaſure, have vitiated our ſtyle with our manners. We may ſafely abide by the authority of the greateſt Orators, who have cited the verſes of ancient poets, either as an embelliſhment to their eloquence, or as proofs for their pleadings. Cicero, Aſinius, and their contemporaries, interſperſed their diſcourſes with verſes of Ennius, Accius, Pacuvius, Lucilius, Terence, Cæcilius, and other poets, which adorned them with the graces of erudition, whilſt at the ſame time they proved a ſource of pleaſure to the auditory, whoſe ears beginning to diſguſt the clamorous contentions of the bar, were refreſhed with the variety of poetical numbers. Add to this the great advantage on the Orator's ſide,

* By ἀττικισμος, is not here meant the purity and refinements of language.

when

when he confirms the matter in debate with the illuſtrious teſtimony of ſome bright thought of theſe great men. What I firſt inculcated regards children; the laſt reflections are for adults, that the ſtudy of grammar and love of reading may not ſeem limited by the time we ſpend at ſchool, but rather extended to the laſt period of our lives.

When a grammarian firſt explains a poet, he ſhould make his pupil converſant with ſome ſmall matters, ſuch as the conſtruction of words, by interrupting the order of the verſe; as alſo the reſpective properties of the feet, which ought to be ſo thoroughly known in poetry, as not to be wanting in the reading of proſe; and beſides theſe he ſhould point out all barbariſms, improprieties of ſpeech, and words compounded contrary to the rules of ſpeaking: not that poets are reprehenſible on this account, for the allowances made for meaſure are ſo conſiderable, that we even diſguiſe theſe faults under the titles of * figurative expreſſions, and honour, as it were, neceſſity. But the grammarian will not be wanting to point out theſe poetical † licences, and wherever children meet them, their memory will ſuggeſt what they ought to call them.

It will not be amiſs likewiſe, in the firſt rudiments, to teach the different ſignifications of words as they occur; and to explain thoſe that are not

* *Metaplaſmos*, &c. Metaplaſmus is a figure, when ſome letter in a word is changed upon the account of verſe, ornament, or neceſſity. *Ainſworth's Dictionary.*

† This paſſage is obſcure, and of doubtful meaning. Rollin explains it as follows, but ſeems not ſatisfied with the ſenſe: "That he may give them notice of ſuch words as are peculiar to the poetical art, and make them remember perhaps the ſame words uſed elſewhere."

much

much in uſe. This laſt duty is not the leaſt of a profeſſor of grammar; but a more important conſiſts in teaching all tropes, which add ſuch extraordinary beauties to proſe and verſe; and with theſe, the figures of * thoughts and words; of both which I ſhall treat when I come to ſpeak of the ornaments of diſcourſe.

But a maſter will not forget particularly to inculcate the benefit that accrues from laying down a regular plan of any compoſition; the decorum that is to be obſerved in things; what is ſuitable to each character, in what conſiſts the beauty of ſentiments and force of expreſſion; where a copious ſtyle may be pleaſing, and where conciſeneſs is requiſite.

Next comes hiſtory, in which youth ſhould be well verſed, but not to ſuch exactneſs, as to load their memories with its leſs uſeful parts. It is enough to give them an inlight into what is commonly received, or at leaſt to make them acquainted with the facts recorded by the moſt eminent. For, it will be either exceeding troubleſome, or a ridiculous piece of vanity, to want to know what has been ſaid by every pitiful writer, which muſt clog the mind, that may attend with more utility to other matters. He that is curious to read every nonſenſical pamphlet that comes out, may as well apply himſelf to learn all the fooleries of old women's tales. Grammarians ſtuff their commentaries with many embaraſſing remarks, which they ſcarce can give a reaſon for themſelves. It is well known what happened to Didymus, the

* διανοίας καὶ λέξεως

greateſt

greateſt * compiler of books that ever exiſted. A piece of hiſtory was related to him; he treated it as fabulous; one of his own books was produced to authenticate it; Didymus was confounded. Hereby we ſee the ſhameful extravagance of romance, which gives a handle to every idle fellow of fabricating any fanciful ſtory, and quoting in ſupport of it, books and authors that never had a being in the world, thus preſuming he may lie with ſafety; though to deceive the learned in ſubjects which have been actually written upon, is next to an impoſſibility: whence I ſhall rekon it among the accompliſhments of a grammarian to be ignorant of a good many things, in the main, not deſerving of any notice.

CHAP. VI.

Of the firſt Exerciſes in the grammar-ſchool.

I Have treated every material article belonging to the two parts of grammar, that comprehend the rules for ſpeaking, and the explanation of authors; the firſt of which grammarians call methodical; the ſecond, hiſtorical. We muſt alſo commit to their care children's firſt exerciſes, which may keep them employed till of proper age to be ſent to the rhetoric-ſchool. Æſop's fables may follow naturally thoſe of their nurſes: Therefore, let them learn to relate theſe fables in plain words, devoid of any elevated turn; next, to diveſt them of that plain dreſs they gave them, and to expreſs

* A famous grammarian of Alexandria, who lived in the time of Auguſtus Cæſar, and is ſaid to have wrote three thouſand five hundred books.

them

them in a more elegant ſtyle. This is effected, by firſt breaking the verſes, then explaining them in other words, and laſtly by giving them a bolder turn in a free paraphraſe, whereby they are allowed, provided they keep to the ſenſe of the poet, to touch ſlightly on ſome places, enlarge on others, and embelliſh the whole with little ornaments. This is an exerciſe, in which the beſt maſters find ſome difficulty; and a boy, who in this reſpect can acquit himſelf tolerably well, will undoubtedly be capable of attempting any thing elſe with ſucceſs. What goes under the denomination of * chrias, ſentences, and ethologies, which are remarkable words ſpoken for ſome reaſon or other, ought likewiſe to make a part of the grammarian's function, as ſometimes occurring in the reading of authors, from whom they are extracted. They are all conſtructed by the ſame art, but different in form. The ſentence is a term of univerſal acceptation; ethology regards manners and perſons. There are many kinds of chrias. The firſt, like the ſentence, conceived in a few words: as "dixit ille," aut "dicere ſolebat;" 'he ſaid,' or 'was accuſtomed to ſay.' The ſecond, by way of anſwer: "Interrogatus ille:" vel, "cum hoc ei dictum eſſet, reſpondit:" 'being aſked,' or 'when this was ſaid to him, he anſwered.' The third, little different from the foregoing, as when one has not ſpoke, but done ſomething, (for chrias are ſuppoſed to extend alſo to facts), as "Crates cùm indoctum puerum vi-

* Chria, is the commemorating of a ſaying, or fact, or both, referred to a certain perſon. Ethology is a ſpecies of chria, indicating a perſon's manners.

diſſet,

disset, pœdagogum ejus percussit:" 'Crates observing a lad who had learned nothing, struck his master." There is another nearly resembling this; yet none dare to call it so, but only a * sort of chria; as "Milo, quem vitulum assueverat ferre, taurum ferebat." 'The beast that Milo accustomed himself to carry when it was a calf, he carried the same when it was a bull.' In † all these the same case is used, and a reason is given for each fact and saying. As to the little narratives we meet with in poets, I think, that to understand them is sufficient for children, without explaining them according to the rules of eloquence. There are other things of greater consequence, made over by our ‡ Latin rhetoricians to grammarians; but the Greeks are more exact in distinguishing and keeping to the respective duties of teaching.

CHAP. VII.

That children are to be instructed in several arts before they are consigned over to the study of rhetoric. Whether these arts are necessary to the future Orator?

THIS is what I had to say in as brief a manner as I well could of grammar; not that

* χρειῶδες.

† All these chrias retain commonly the same form, and the same cases in the beginning. But grammarians observe the cases to be thus restricted. "*M. P. Cato dixit literarum radices amaras esse, fructus jucundiores. M. P. Catonis dictum fertur, &c. M. P. Catonem dixisse ferunt, &c.*"

‡ See what is said of them in the first chapter of the next book.

I pre-

I pretend to have exhauſted the ſubject, which is infinite; but only to have pointed out the moſt neceſſary particulars. Now, I will throw together ſome reflections on the other arts, which youth ought to be inſtructed in, before they are ſent to the rhetoric-ſchool, in order to form that circle of ſciences, which the Greeks call * εγκυκλοπαιδείαν. There being many ſciences, the ſtudy of which ought to begin almoſt at the ſame time, a queſtion may here ariſe, whether theſe ſciences are neceſſary to this work? As arts, Oratory cannot be perfect without them: taken ſeparately, they are not capable of conſtituting an Orator. But to plead a cauſe, or give an opinion, where is the neceſſity, ſays an opponent, of knowing that on a line given, we may form an iſoceles triangle? Or, does the defending of a client, or enforcing counſel by perſuaſive arguments, require the ſkill of diſtinguiſhing by names and intervals the different tones of an inſtrument of muſic? They may alſo reckon up, how many Orators had rendered themſelves illuſtrious at the bar, who had never either heard of geometry, or underſtood muſic otherwiſe than by the pleaſure of the ears, which is common to all.

To theſe inſinuations I make anſwer, according to what Cicero often declares, in his book of illuſtrious † Orators, to Brutus, that we form not an Orator on the model of thoſe, who are, or have been; but that we have conceived in our mind the image of that perfect Orator, to whom nothing is wanting. The Stoics, to form their perfect ſage,

* *Encycloæpdia*, or *Cyclopædia*, a circle of ſciences.
† Orat. 7.

and, as they ſay, a God, though ſubject to mortality, think, that he muſt be verſed, not only in the knowledge of all divine and human things, but they alſo lead him through all intricate ambiguities, things inconſiderable in themſelves; not that * captious and ſophiſtical arguments conſtitute a Sage, but that they would have him incapable of being deceived, even in the ſmalleſt matters. In like manner, it is not geometry, nor muſic, nor any other art, which of itſelf can make an Orator, who muſt likewiſe be a ſage; but theſe arts will contribute to his being conſummate. Are not antidotes and other medicines preſcribed for diſeaſes and wounds, compounded of many ingredients, which ſeparately produce contrary effects, but mixed, become, as it were, a ſpecific, extracting healing virtues from all the conſtituent parts, without reſembling any one of them? Do not bees ſip their honey from a variety of flowers and juices, the taſte of which is inimitable by human invention? Shall we then be ſurpriſed if eloquence, the moſt excellent gift providence has imparted to mankind, ſhould require the aſſiſtance of many arts, which, though they might not manifeſt themſelves in the Orator, yet have an occult force, operating imperceptibly, and tacitly giving warning of their preſence. Such were good ſpeakers without theſe

* *Ceratinæ*, Dilemmas, called by logicians *Argumentum Cornutum*, for ſtriking or butting with two horns, wherein whatever you grant the adverſary, tends to your diſadvantage. "You have the horns, κέρατα, you did not loſe. You did not loſe any; therefore you have horns." AUL. GELL. l. 16.—*Crocodolinæ*, problems which cannot be well ſolved. "A Crocodile, when he had promiſed a woman he would reſtore her ſon to her, if ſhe told him truth; ſhe ſaid, you will not reſtore him." LUCIAN ἐν βίων πράσει.

arts; but I will have an Orator. They add not much, but I muſt have a complete whole, and to make this whole, nothing muſt be wanting; for ſo it muſt be confeſſed to be perfect. How elevated ſoever its ſphere be above us, it is our intention to give all neceſſary precepts for making the neareſt poſſible approaches. But why ſhould we deſpair? Nature is no obſtacle to the perfect Orator. Deſpair is mean and baſe, when a thing is practicable.

CHAP. VIII.

Of Muſic and its Advantages.

I Might content myſelf in what I am going to ſay, with the teſtimony of the ancients; for who is there but knows, that muſic, (to begin with it,) was not only a ſtudy of the firſt times, but was even held in ſo great a degree of veneration, that its profeſſors were honoured as Sages, and as men divinely inſpired? Not to mention others, were not Orpheus and Linus believed to be the offspring of the Gods? Orpheus, becauſe he poliſhed the manners of an ignorant and ruſtic people, and aſtoniſhed their minds with the harmony of his muſic, was ſuppoſed, as we have it from tradition, not only to have drawn after him wild beaſts, but rocks and woods. Timagenes relates, that muſic is the moſt ancient of all ſciences; and of this the moſt illuſtrious poets give teſtimony, who at the banquets of kings, introduce muſicians tuning to their lyre the praiſes of Gods and heroes. Does not Virgil's * Iopas ſing,

The wand'ring moon, and labours of the ſun?

* Æn. i. 746.

The

Whereby this great poet plainly ſhews, that muſic is nearly allied to the knowledge of divine things; which if allowed, it muſt likewiſe be granted, that it is neceſſary to an Orator; becauſe this part, neglected by Orators, and taken poſſeſſion of by philoſophers, we have a right to reclaim, and therefore it muſt belong, as all other ſciences, to the perfecting of eloquence.

It cannot be queſtioned but that they who diſtinguiſhed themſelves for wiſdom, were greatly divoted to the ſtudy of muſic. Pythagoras, and his diſciples, publiſhed the opinion, which, no doubt, they received from more ancient Sages, of the world's being the effect of harmonical proportion, the modulations of which were afterwards imitated by the lyre: and not content with the harmony, perceived to be conſtantly propagated amidſt contraries, they alſo attributed muſical tones to the celeſtial ſpheres. Plato has made ſo many diſſertations on muſic in his writings, that in ſome tracts, eſpecially in his Timaeus, he cannot be properly underſtood, but by thoſe who are thoroughly intelligent in the art. What do I ſpeak of philoſophers, whoſe fountain, Socrates himſelf, did not bluſh, even in old age, to learn to play upon the lyre? Hiſtory acquaints us of great commanders of armies playing upon pipes and lutes. The Lacedæmonians were fired to battle by muſical ſtrains. To what other uſe are clarions and trumpets in our legions? whoſe ſounds, by how much they are vehement and piercing, by ſo much the Roman military glory exceeds that of all others. It is not therefore without reaſon Plato believed,

that muſic was neceſſary to thoſe, whoſe abilities might promiſe them the government of commonwealths: and the authors of the ſect, which ſeems ſo ſevere to ſome, ſo auſtere to others, allowed ſome of their ſages to be converſant in this ſtudy. Lycurgus, that rigid Spartan law-giver, recommended the uſe of muſic. Nature herſelf ſeems to have beſtowed it on us for mitigating our anxieties. Let us conſider thoſe, who are labouring at the oar in gallies; does not muſic give them life and ſpirit? This appears, not only in painful works, where many unite their efforts by the ſignal of ſome pleaſing voice; but even each perſon has ſome favourite air for allaying fatigue and deceiving trouble.

But I ſeem to dwell more on the eulogies of this charming art, than to ſhew how it may be applicable to the Orator. I need not mention what is ſaid of grammar and muſic being formerly united, though Architas and Ariſtoxenus were of opinion, that grammar was comprehended under muſic, and that both were taught by the ſame maſters, following in this Sophron, a very facetious comic writer, whom Plato ſo much eſteemed, that it is ſaid his books were found under his head on his death-bed. Eupolis aſſerts the ſame thing in regard to Prodamus, whom he characterizes as a teacher of muſic and grammar; and Hyperbolus, whom he calls by deriſion Maricas, confeſſes he knows nothing of muſic, but grammar. Ariſtophanes aſſures us in more than one place, that this was the ancient method of inſtructing youth: and Menander, in his comedy, called Hypobolimæum, introduces a father taking his ſon out of a boarding-ſchool, be-

fore

fore whom an old governor of the ſchool, ſums up what he expended upon his ſon's education, and gives him a bill, wherein was ſo much paid to a maſter of geometry, and ſo much to a muſic maſter. Hence came the cuſtom of handing about a lyre at the end of an entertainment; and becauſe Themiſtocles, when that inſtrument was preſented to him, declared he knew not how to play, to ſpeak in Cicero's * own words, he was reckoned a perſon of no polite education. It was cuſtomary with the ancient Romans to procure the amuſement of pipes and lutes at their banquets: the verſes of the Salii are ſet to muſic; and, as theſe inſtitutions proceed from King Numa, it is evident, that though the thoughts of the firſt Romans were turned to warlike exploits, they did not neglect the improvement of muſic, in as great a degree as could reaſonably be expected from perſons who lived in ſo unpoliſhed an age. In ſhort, it has paſſed into a proverb with the Greeks, that the illiterate muſt have no commerce with the † Muſes and Graces. But let us ſee in what reſpects this art may belong to the Orator.

Muſic has two numbers; the one in the voice, the other in the body. Each of theſe requires a certain regulation. Ariſtoxenus, the muſician, divides what regards the voice into rythms and meaſured melodies. By rythms he underſtands the ſtructure of words, by meaſured melodies the airs and ſounds. Are not all theſe deſerving of the Orator's notice? Muſt not his body be formed to

* Tuſc. i. 4.

† The Goddeſſes that preſide over polite literature and muſic. The illiterate were called by the Greeks ἄμουσοι, ἄχαριτες.

regular geſture? Muſt he not in compoſition place his words in proper order? Muſt he not in pronouncing uſe certain inflexions of his voice? All are undoubtedly neceſſary qualifications for an Orator, unleſs we think that a chain of words, amuſing agreeably the ear, ought to be wholly reſtricted to ſongs and verſes, and therefore uſeleſs in oratory; unleſs alſo, the Orator was not to diverſify his compoſition and pronunciation according to the nature of the things he ſpeaks of, as well as the muſician, whoſe compoſitions, according to their reſpective qualities, muſt be expreſſed and ſung differently. For, the grand and ſublime are beſt ſuited by loud and ſtrong tones, pleaſant by ſweet, gentle by ſoft; the beauty of the muſical art depending intirely on entering into the paſſions, and making them a lively picture of what is expreſſed. In like manner, the Orator, according to the various inflexions of his voice, will differently excite the paſſions of his auditors. By ſuch an order of words, by ſuch a tone of voice, he rouzes the indignation of the judges, and by ſuch he bends their hearts to pity. Who now can doubt of the power of words, when even muſical inſtruments, which cannot form the articulate ſounds of ſpeech, ſo many different ways affect us?

A graceful and proper motion of the body is likewiſe neceſſary, and cannot be otherwiſe derived than from this art; but as it makes a conſiderable part of action, we ſhall ſpeak of it in its * place. And indeed, if an Orator pays due attention to the conducting of his voice, what can be ſo eſſential

* Book xi. c. 3.

to

to him as muſic? But, as I muſt talk of the voice elſewhere, I ſhall here content myſelf with one example, which is that of Caius Gracchus, the greateſt Orator of his time, who, when he harangued the public, kept always behind him a muſician to guide by the ſounds of a hautbois the different changes of his voice. This cuſtom, either dreaded by, or dreading the nobility, he punctually obſerved in all his ſpeeches, which were generally attended by the greateſt number of people that ever met together on ſuch occaſions.

For the ſake of thoſe who know but little of the matter, I ſhall endeavour to clear it up by a more familiar proof. It will be granted, that the reading of poets is neceſſary to the future Orator; but are poets deſtitute of muſic? If one is ſo devoid of underſtanding as to doubt that ſome poets are muſical, at leaſt, it muſt be confeſſed that poems compoſed for the lyre cannot be read without ſome harmonic ſtrain. I ſhould enlarge farther, if it was a novelty I had a mind to enforce; but as this accompliſhment has been recommended and has taken place from the remote times of Chiron and Achilles down to ours, with the approbation of all lovers of good education, a longer diſcuſſion might raiſe a doubt concerning its degree of utility.

It may ſufficiently appear from the above examples, how much I eſteem muſic, and what kind of muſic I approve of. I muſt, however, declare my real ſentiments, that in no wiſe I recommend the muſic, which ſeems now to be the reigning taſte in our theatrical exhibitions, and of which the wanton, ſoft, and laſcivious airs have in a

great meaſure ruined all the little manly virtue that remained in us. The muſic I mean is that whereby the brave ſung the praiſes of the brave. Neither do I approve of thoſe * inſtruments of muſic, which by languiſhing ſounds emaſculate the ſoul of all its vigour. Virgins, who regard their modeſty, ought to have them in horror. The only muſic, is that engaging melody, which touches the heart, and moves, and ſoothes the paſſions, according to the dictates of right reaſon. It was ſo we hear that Pythagoras repreſſed of a ſudden the fury of ſome hot-headed young men, who were intent on diſhonouring an honeſt family, had not he commanded a woman that played on a flute for them, to change her notes and play ſomething more grave. Chryſippus preſcribes a ſort of air for nurſes to lull infants aſleep; and there is an ingenious fiction for a ſubject of declamation, on a piper's playing a † Phrygian air whilſt a man was offering a ſacrifice. As hereupon he was ſeized with a phrenzy, and threw himſelf from a precipice, the piper might ſtand accuſed of being the cauſe of his death. An Orator, to be maſter of this ſubject, muſt be ſuppoſed not unacquainted with muſic; how then ſhall it not be granted, even by thoſe who are quite prejudiced againſt us, that this art is of conſiderable advantage to our deſign of forming the Orator?

* *Pſalterium*, a muſical inſtrument with ten ſtrings. *Spadices*, in the nature of a dulcimer.

† The Phrygian airs were briſk and vehement, rouzing all the paſſions of men, and often driving them mad.

CHAP.

CHAP. IX.

Of GEOMETRY.

THERE are ſome parts in geometry generally allowed to be of uſe to children, as by them the mind is exerciſed, the wit ſharpened, and a readier and eaſier conception procured. But it is ſaid, that the uſe of geometry is not ſo extenſive as the other arts, being only of ſervice for the time we learn it, and no longer. This is the vulgar opinion, but diſſented from by the greateſt men, as appears by their aſſiduous application to the ſtudy of this ſcience.

Geometry is divided into two parts, numbers and dimenſions. The firſt is neceſſary, not only to him who is but ſlightly acquainted with letters; but more eſpecially to the orator, who muſt frequently ſtate an account; for ſhould he in pleading be at a loſs in ſumming up an exact total, or ſhould he make a motion with his fingers, which diſagree with the number he calculates, all would be apt to harbour an ill opinion of his ſufficiency. The ſecond, conſiſting of lines and dimenſions, is not leſs neceſſary in the pleading of cauſes, as many law-ſuits happen concerning meers and bounds. But this ſcience has a more intimate connection with the art of oratory.

Firſt, order is eſſential to geometry, ſo alſo it is to eloquence. Geometry lays down principles, draws concluſions from them, and proves uncertainties by certainties: does not oratory do the ſame? Geometry reduces its proofs into a ſyllogiſtic form, and therefore many think it partakes more

of

of the nature of logic than rhetoric. But, becauſe the Orator ſeldom proves logically, will it be ſaid that he never does? When the matter ſo requires, he will uſe the ſyllogiſm, or at leaſt the Enthymeme, which is the true rhetorical ſyllogiſm. In ſhort, the ſtrongeſt proofs are thoſe that go by the name of * geometrical demonſtrations: and, as the end of geometry is to prove evidently, can eloquence have any other end?

Geometry likewiſe evinces by reaſon a falſehood in veriſimilitudes. In numbers, it ſhews the error of ſome † calculations, in appearance right. This gave riſe to ſeveral little queſtions, which made part of the amuſements of our childhood. But there are things of greater moment; for who would not aſſent to this propoſition as true: "all places of equal circumferences have equal ſpaces." This is falſe; for we muſt know the figure of this circumference, and therefore hiſtorians are juſtly found fault with by geometricians, for determining the extent of iſlands by the circuit of navigators. Now, the more perfect a figure is, the greater will be the ſpace it contains: If therefore the circumference makes a circle, which is the moſt perfect figure in planes, it will comprehend a greater ſpace, than if it formed a ſquare of equal circumference. By the ſame reaſon, ſquares will contain a greater ſpace than triangles; and triangles with equal ſides, a greater than triangles with unequal. I could cite other particulars of this kind, but as perhaps involved in greater obſcurity, ſhall attend to an experiment adapted to every one's capacity.

* γραμμικαὶ ἀποδείξεις, demonſtrations by the way of letters.
† ψευδογραφίας.

There

There are few but know, that an acre contains two hundred and forty feet in length, and the half of this number of feet in breadth; whence it is eaſy to judge of its circumference and ſurface. Now, let us ſuppoſe a ſquare, of which the ſides are a hundred and eighty feet each. The circumference of this ſquare will be exactly equal to that of the acre, yet its area makes a greater ſpace, which if one ſhould not chooſe the trouble of computing, it may be readily perceived in a leſs number. A ſquare, whoſe ſides are each of ten feet, have forty in circumference, and the ſurface will make a hundred feet ſquare: add fifteen feet in length to five in breadth, you will have the ſame circumference, but the ſpace will be leſs by one fourth. A parallelogram of nineteen feet in length, and one in breadth, will make a circumference of forty feet, as well as an exact ſquare, whoſe ſurface is a hundred feet ſquare; but it will contain only in ſurface, as many feet ſquare as it has feet in length. Therefore whatever is ſubtracted from the figure of an exact ſquare, leſſens the ſurface; and conſequently a leſs ſpace may be contained in a greater circumference. I ſpeak of flat ſurfaces; for it is evident, that mountains and vallies have a greater extent in their ſurfaces than there is of ſky or air correſponding to them.

Geometry is not limited by the juſt mentioned advantages: it ſoars to the knowledge of ſublimer matters; it lays the world open to our view, and diſplays all the wonders of nature. From the preciſion of its calculations we learn that the courſe of the celeſtial bodies is regulated by a conſtant and never failing equability of motion impreſſed

on

on them; an illuſtrious argument, that chance could never be the cauſe of all this ſymmetry and proportion. This, ſurely, is a theme worthy of an Orator, and he ſometimes muſt have an occaſion to treat it with becoming dignity. When Pericles explained to the Athenians the natural cauſes of an eclipſe, by which they were much terrified; when Sulpitius Gallus, in the army of Lucius Paulus, predicted an eclipſe of the moon, to prevent the ſoldiery being affrighted by it, as by a prodigy ſent from heaven; did not both acquit themſelves of the function of Orators? If Nicias had their knowledge, he would not, ſeized by a like panic, have loſt a fine army of the Athenians in Sicily. When Dion came to expel Dionyſius, the Tyrant, an accident of this kind did not in the leaſt diſmay him. Warriors may avail themſelves of ſuch examples; but what ſhall I ſay of Archimedes, who alone by his geometrical ſkill, found means to protract to ſo great a length the ſiege of Syracuſe? To conclude, there are numberleſs * queſtions, which we are at a loſs to ſolve, unleſs we adopt the linear demonſtrations this ſcience furniſhes us with; ſo that, if it be incumbent on the Orator, as we ſhall ſhew in the following book, to diſcourſe indiſcriminately on all ſubjects, we may naturally ſuppoſe that this cannot be effected without the help of geometry.

* As concerning the manner of dividing and multiplying; progreſſions in infinitum; and the diviſibility of matter in infinitum.

CHAP.

CHAP. X.

I. *That pronunciation is to be formed by that of Comedians.* II. *And geſture and attitude copied from the Paleſtra.*

I. IT will not be amiſs alſo for our Orator to receive ſome inſtructions from comedians, in order to the forming of his pronunciation; but I pretend not that a youth deſtined for theſe hopes, ſhould play the buffoon, aſſuming in mimic form the ſmall voice of a woman, or the tremulous accents of an old man. Neither would I have him perſonate the drunkard, or deſcend to the ſcurrilities of a valet; much leſs would I have him learn the paſſions of love, avarice, and ſuperſtition. All theſe are unneceſſary to an Orator; and, as the imitation of what is vicious generally grows into a habit, ſo young minds ſeldom fail to imbibe the infection.

All ſorts of geſtures and motions muſt not be borrowed from comedians; becauſe an Orator, forming himſelf in ſome reſpects on their model, ought not to affect a theatrical air. His action, his gait, his countenance, ſhould be quite different. What is ſupportable in the one, would be quite ridiculous in the other; and if there be an art in theſe particulars, I ſhould think the Orator's greateſt art would be to conceal them.

But what herein is the duty of a maſter? It is to correct all faults of pronunciation; to take care that words be exactly expreſſed, and that every letter have its proper ſound. The ſound of ſome letters is vitiated by mincing; others we pronounce

pronounce too thick or broad; harſh letters we either drown or exchange for others not unlike them, but of a more obtuſe ſound; as of the ρ, which Demoſthenes had ſome difficulty to pronounce, the λ takes the place, the powers of both which are the ſame alſo in Latin. *C* and *t* are ſoftened by *g* and *d*. The affectation of ſounding the * *s*, which ſome think very pretty, ought not to be ſuffered: neither ought ſpeaking in the throat, or with a gaping mouth, or with a twiſt of the mouth, to give a word a fuller ſound than it has. This the Greeks call καταπεπλασμένον; and the ſame term is alſo uſed by them to ſignify a way of playing upon flutes, when by ſtopping all the holes that cauſe the louder tones, one only paſſage is left for producing a baſe.

A maſter, in like manner, ought to be careful, that the laſt ſyllables be not loſt in a word; that the pronunciation be conſiſtent with itſelf; that in exclamations the effort proceed rather from the lungs than head; that the geſture correſpond with the voice, and the countenance with the geſture; that the face be in a ſtrait poſition; that the lips be not diſtorted; that immoderate gaping diſtend not the jaws; that the viſage be not toſſed upwards; that the eyes be not downcaſt, and the neck inclined to either ſide. The forehead treſpaſſes in a variety of reſpects. I have ſeen ſeveral, at every effort of the voice, raiſe their eyebrows; others knit them; and others, keep one

* This verſe of Euripides's Medea, ἴσωσα σ' ὡς ἰσάσιν ἑλλήνων ὅσοι, has been ridiculed by comic poets, and ſometimes excited prodigious laughter in the Athenians, when that tragedy was repreſented.

up,

up, and the other ſo far down, as almoſt to preſs upon the eye. All theſe particulars are of ſingular conſequence, as will be ſeen in the ſequel; for nothing can pleaſe but what is becoming.

A comedian ought likewiſe to teach, how a narrative is to be pronounced; what a degree of authority is neceſſary to perſuade; what tone of voice beſt ſuits anger, and what, pity. In order to this, he may ſelect ſuch paſſages from plays, that neareſt reſemble pleadings at the bar, which will be uſeful for forming not only the pronunciation, but alſo very proper for augmenting eloquence. What I here ſay, is for our Orator's weaker years; but when riper age makes him capable of greater things, he muſt read the ſpeeches of Orators; and when he begins to be ſenſible of their beauties, then muſt a ſkilful maſter uſe all his diligence, both to give him a taſte for reading, and oblige him to commit to memory the moſt ſtriking parts, and next to declaim them, as if he was really pleading. Thus it is, that his voice and memory will be exerciſed by pronunciation.

II. I find no fault with thoſe, who ſometimes reſort to ſchools of palæſtric exerciſes. I mean not the places, where people paſs away one part of their lives in ſuppling their joints with oil, and another part by drowning their ſenſes in wine. Theſe I would keep at a due diſtance from our Orator. But I mean the places, (for the Latin word *palæſtra* ſignifies both), where young perſons are taught a graceful carriage. To this may belong the manner of keeping the arms in a ſtrait poſition; refraining from fiddling with the hands, as clowns; ſtanding in a graceful attitude; walking with a

good

good air; and making no motions with the head and eyes that diſagree with the other motions of the body. All theſe are acceſſions to grace pronunciation, a thing ſo eſſential to an Orator. Why then ſhould what is neceſſary to be known be neglected? We find, that the rules for * geſture originated from the times of heroes; that they were approved of by the greateſt men of Greece, even by Socrates himſelf; that Plato gave them a place amongſt civil virtues; and that Chryſippus did not omit them in his precepts for the education of youth. We learn from hiſtory, that the Lacedæmonians had among their exerciſes a ſort of dance, which their youth were made to learn as an uſeful accompliſhment for warfare. The ancient Romans thought the like practice no diſparagement to them, and dancing is ſtill retained by ſome of our prieſts in the ſolemnities of their religious ceremonies. Cicero gives us his ſentiments of geſture in his third book of the Orator, where Craſſus has theſe words. "An Orator, ſays he, muſt have ſomething noble and manly in his whole action; and he muſt form it, not on the model of a ſtage-player, and buffoon, but on that of a man trained to arms, or a proficient in the academy of exerciſes." This manner of diſcipline has deſcended to us, is ſtill in uſe, and without reproof; but in my opinion, ſhould not go beyond our younger days, and then even be not long continued; for it is an Orator I form, and not a dancer.

* *Chironomia*, in the Latin text, is the geſture of geſticulating dancing. It is alſo the rule of geſture and motion, which name it has got from the regulating of the hands, becauſe the chief part of geſture conſiſts in the propriety of their motions.

This

This benefit, however, will accrue from it, that without thinking, and imperceptibly, a ſecret grace will mingle with all our behaviour, and continue with us through life.

CHAP. XI.

That children are capable of being taught many things at the ſame time: 1. *Becauſe the nature of the human genius is ſuch, that it can do many things together.* 2. *Becauſe boys can eaſily bear the labour of ſtudy.* 3. *Becauſe they have then moſt time for the purpoſe.—That indolence, or a lazy diſpoſition, is the cauſe why Orators do not learn many things.*

IT may be aſked, whether all the above recited articles can be taught and learned at the ſame time, even ſuppoſing they are neceſſary to be known? Some will imagine they cannot, becauſe ſo many ſciences of different tendency, by bringing confuſion into the conception, and withal haraſſing the attention, neither the body, nor mind, nor length of the day, divided between ſuch a diverſity of ſtudy, would be ſufficient to hold out; and though more robuſt years might undergo the toil, it ſhould not be preſumed that the delicate conſtitutions of children could be equal to the ſame burden.

1. They, who may reaſon in this manner, are not ſufficiently acquainted with the nature of the human wit, which is ſo active, quick, and keeps ſuch a multiplicity, as it were, of points in view, that it cannot reſtrict itſelf to the doing of one particular thing, but extends its powers to a great many, not only during the ſame day, but likewiſe

during the ſame inſtant. What ſhall I ſay of a man playing on a harp? He touches one ſtring, ſtops another, tries this, tunes that; every thing is employed in him at the ſame time, his memory, his voice, his right hand, his left, even his feet are not idle, they regulate the time, and beat the meaſure. Let it be ſuppoſed, that by ſome unforſeen accident we are obliged to plead a cauſe. Will not our intuition variouſly divide and multiply itſelf? We ſay one thing, think of another, invent reaſons, make choice of words, and adapt pronunciation, countenance, geſture, to the nature of the cauſe. If therefore we execute all this, as I may ſay, by a ſingle exertion; what muſt hinder our application, on having ſeveral hours for reflection, eſpecially when variety refreſhes and renovates the mind? The caſe is different, and more painful, to perſevere in one and the ſame ſtudy. Compoſition and reading by turns, wear away the wearineſs either may create; and though we have done many things, we in ſome meaſure find ourſelves freſh and recruited at entering on a new thing. To be tied down, a whole day to one maſter, fatigues greatly; but to have changes, is a recreation: juſt ſo, a variety of meats revives the appetite, and preſerves it longer from being ſated.

I ſhould be glad to be informed of any other way for learning? Muſt we intirely devote ourſelves to grammar only, and afterwards to nothing but geometry? Muſt we neglect in the mean time what we have learned, when we apply ourſelves to muſic, and ſo forget all that went before? Muſt we be confined to Latin, without a retroſpect to Greek? In ſhort, muſt nothing be done

but

but what preſents itſelf laſt? Why do we not adviſe our farmers, not to cultivate at the ſame time their fields, vineyards, olive-grounds, and ſhrubs; or diſſuade them from taking care of, at the ſame time, their meadow grounds, their cattle, gardens, and bee-hives? Why do we ourſelves every day allot ſomething to the bar, ſomething to oblige our friends, ſomething to our domeſtic concerns, ſomething to the care of our health, and ſomething even to our pleaſures? Any of theſe occupations continued without interruption, would prove very tireſome: ſo true it is, that it is much eaſier to do many things, than confine ourſelves long to one.

2. We need not be under any apprehenſion of children not being proof againſt the labour of ſtudy. No age is leſs fatigued; and this might ſeem ſtrange, did not experience ſhew the contrary. Childrens * wits are more docile, before they harden by more advanced life. What I ſay is evinced from their ſpeaking for the moſt part all words, without any perſon's help, in leſs than two years, when their tongue is once free. But as to our ſlaves newly purchaſed, how long are they before they learn to ſpeak Latin? Whoever has taught adults, will find that it is not without reaſon, the Greeks make uſe of the term παιδομαθεῖς, to denote thoſe who are as much expert in their art, as if trained up to it from their infancy. Children naturally can bear labour better than grown-up perſons. We ſee infants fall frequently and ſeldom much hurt;

* The organs of children, before they acquire a greater conſiſtence by age, are exceeding fine and delicate, and conſequently being very ſuſceptible of impreſſions, their wit, when exerciſed, muſt be more docile.

their creeping upon hands and feet is ſcarce any trouble to them; when they can walk, they run about and play whole days together without being tired: the reaſon of all this is, a want of weight in their bodies, whereby but little force can accompany their efforts. In like manner, I am apt to think that their minds are leſs fatigued than ours, becauſe their application, ſlight and ſuperficial, does not proceed from an inclination of their own, but only to prepare themſelves for receiving their maſter's inſtruction. They alſo, according to another capability agreeable to their years, can eaſily learn from thoſe whoſe method of teaching is plain and ſimple: beſides, they make no account of what they have already done, as not being able to form to themſelves a judgment of labour; and hence we find, that labour is leſs fatiguing than thought and reflection.

3. As for time, I fancy they never will have more of it, than when young, for becoming acquainted with ſeveral branches of literature, the acquiring of which depends then intirely on hearing. When they apply themſelves to learn the elegance of ſtyle, and to invent and compoſe any thing of themſelves, they cannot find time, or perhaps will not, for beginning theſe ſtudies. Therefore, as a grammar-maſter cannot, or ought not, ſpend the whole day with them, for fear of giving them a diſtaſte for learning, in what other ſtudies can theſe * leiſure hours be better employed? Yet,

* *Temporum ſubſidia*, are certain times, which, free from labour, are reſerved, as it were, for ſome future uſe. Others read *ſubſeciva* or *ſucciſſiva*; ſo the times are called, when one is at leiſure from any public or private buſineſs, and theſe are ſet apart from out of them, *quaſi ſubſecantur aut ſucciduntur*.

" Succiſiva

I would not have our ſtudent ſo converſant in theſe arts, as to poſſeſs them in perfection; he may have a ſufficient knowledge of muſic, without being intelligent in the art of muſical compoſition; and of geometry, there is no occaſion to be expert in all its niceties. To form an Orator's pronunciation I do not make a comedian of him, nor a dancing-maſter, to grace his motions. Still, if I required all theſe particulars, there would be time enough. And indeed, there is time enough for thoſe that make good uſe of it; I mean ſprightly wits; for, as to the ſtupid, I ſay nothing of them. How did Plato excell in whatever I think the future Orator ought to learn. Not content with the ſciences Athens might have furniſhed, nor with thoſe of the Pythagoric ſect, for which he ſailed into Italy; he paſſed alſo into Egypt, to be informed by the prieſts of that country of all the myſteries couched under their hieroglyphic ſymbols.

We palliate our ſloth by the ſpecious pretext of difficulty. We do not engage in ſtudy by a love of choice and inclination. If we ſeek eloquence, it is not becauſe it is the moſt noble accompliſhment in nature, and moſt deſerving of our care; but rather for a baſe end, and the deſire of forbid gain. Without theſe requiſites, let ſeveral then plead at the bar, and endeavour to enrich themſelves: what will be the conſequence? Notwithſtanding all their toil and pains, a broker may acquire more from the ſale of his ſorry ware, and a public crier from the hire of his voice. For my

"Succiſiva quædam tempora incurrunt, quæ ego perire non patior." Cic. de leg. i.

part, I ſhould diſlike even a reader, who could think of computing the income of his labour. But give me the man of ſublime genius, who can form to himſelf an idea of the grandeur of eloquence, which a celebrated tragic * poet ſtyles "the queen of all things." He it is, who keeps conſtantly his eyes fixed upon her. He ſeeks after no emoluments from his pleadings †: the fruits of his labours, are his knowledge, his contemplation, his noble thoughts; fruits perpetually abiding with him, and no way ſubject to the caprices of fortune. A perſon of this exalted character will employ in muſic and geometry, the time others generally miſpend at ſhews, in the Campus Martius, at gaming, in idle talk, not to ſpeak of ſleep, and infamous revelling. His pleaſure will be exquiſite, attended by charms, not to be found in others, in the main frivolous, as deſtitute of all delicacy and refinement. For providence has granted this bleſſing to mankind, that the taſte of pleaſure is always more ſatisfactory in innocent amuſements. But, perhaps, this ſatisfaction has led us too far. Let therefore what I have ſaid, ſuffice for the ſtudies youth are to be inſtructed in till capable of greater matters. The next book will have, as it were, a new beginning, being to treat of the duties of a Rhetorician.

* Euripides, and in Hecuba, verſe 816. Πειθῶ δέ τὴν τύραννον ἀνθρώποις μόνην; Eloquence the only queen among men.

† *Fructum ex ſtipe advocationum:* the fee, paid by clients to their lawyers for pleading their cauſe.

BOOK II.

CHAP. I.

At what time a boy ought to be ſent to the Rhetoric ſchool.

THERE is a cuſtom, which daily prevails more and more, of ſending children later than they ought to be ſent, to ſchools of eloquence. This has been occaſioned by our rhetoricians having neglected a part of their duty, and by grammarians having appropriated to themſelves what they omitted. Rhetoricians think it only incumbent on them to dictate ſubjects of declamation, to pronounce ſpeeches compoſed on the plans of theſe ſubjects, and to make their pupils perform the ſame. All this is executed in the judicial and deliberative kinds; for they eſteem other points as beneath their profeſſion. Grammarians, not content to aſſume what was neglected, for which in ſome meaſure we are obliged to them, have alſo intruded upon figurative tracts of eloquence, called Proſopopeias, and ſpeeches in the deliberative kind; both which are with difficulty attempted, and require to be ſupported by an extraordinary force of eloquence. Hence, it comes to paſs, that what formerly made the beginning of one art, now makes the end of another; and it is chiefly on this account that an age, deſigned for higher matters, muſt grovel in a low claſs, and learn rhetoric among grammarians. Beſides, what ſeems

to me moſt ridiculous, is that a lad is not fit to be ſent to the rhetoric ſchool, unleſs he already knows how to declaim.

Every profeſſion, methinks, ought to be kept within its bounds. Let grammar (which, as we may judge by its name, is properly the ſcience of letters) be acquainted with its own; eſpecially, ſince it has ſoared ſo high above the poverty of its appellation, to which the firſt grammarians confined themſelves. Inconſiderable at firſt in its ſource, afterwards augmented with an additional ſupply of poets and hiſtorians, it now flows in a ſufficiently ample channel, by having, with the methods it preſcribes for language, which are of no ſmall extent, embraced likewiſe the knowledge of the greateſt arts. Rhetoric too, which in its etymology implies the art and force of eloquence, ſhould not decline any of its duties; neither ſhould it rejoice at ſeeing a buſineſs taken up that belonged to itſelf; for whilſt it neglected its function, it had been almoſt driven out of poſſeſſion. I will not deny that there are grammarians of ſufficient abilities to teach the things I mentioned; but in this caſe, they do the duty of a rhetorician, and not their own.

The point therefore that ſeems now neceſſary to be decided, is the time when a boy is fit to be ſent to learn rhetoric. Hereupon I may ſay, that no particular age can be aſſigned for this purpoſe, as it muſt entirely depend on the progreſs he has made in his firſt ſtudies; ſo that he cannot be properly ſent till he is found capable. But this likewiſe muſt be accounted for by what has been obſerved a little before; for if the duty of grammar extends to

ſpeeches

ſpeeches in the deliberative kind, which rhetoricians make the rudiments of their art, the rhetoric ſchool may be diſpenſed with for a conſiderable time: on the contrary, if rhetoricians do not decline the firſt duties of their buſineſs, they will begin with narrations and little eſſays in the demonſtrative kind. Are we ignorant that the ancient rhetoricians exerciſed their eloquence by common places, and theſes, and other general queſtions, either fictitious or real, which afford matter for conteſtation? Whence it may be judged how ſhameful it is to the profeſſors of the art, to have deſerted that part, which for a conſiderable time made their firſt and only occupation. What is there in all hitherto mentioned, that is not eſſential to rhetoric, and does not take place in the judicial kind? Muſt not narrations be made at the bar? For aught I know, they conſtitute the moſt important part of a cauſe. Are not praiſe and diſpraiſe frequent topics in pleadings? Are not common places often inſerted in them, as well thoſe on ſubjects of vice, of which Cicero has left us excellent models, as thoſe of Quintus Hortenſius, which treat of general queſtions, and contain the very marrow of the law? Some of theſe queſtions regard what may be urged for and againſt witneſſes, as to their credibility; and whether we ought to believe on ſlight evidence and probabilities. Theſe are as arms, that muſt be kept in readineſs for uſe, upon occaſion; and whoever imagines they do not belong to an orator, may believe that artiſts begin not a ſtatue, by firſt fuſing the metal which is to compoſe its parts. However, let none here, though ſome may, blame me for too much precipitation, as if,

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to deliver a youth into the hands of a maſter of rhetoric, I ſhould take him away too ſoon from the grammarian. Both will have their time, and there is no fear that he will be burdened with two maſters. The ſtudy that was confounded under one, will not be multiplied, but divided; and every maſter will be the more uſeful by diſcharging his reſpective duty. This is ſtill obſerved by the Greeks, though omitted by the Latins, who ſeem to excuſe themſelves by ſaying, that others have ſucceeded to that care.

CHAP. II.

Of the Morals and Duty of a Rhetoric-Maſter.

WHEN therefore a boy is ſo far a proficient in ſtudy, as to be capable of having a juſt notion of the firſt principles of rhetoric, he muſt be ſent to the maſters of that art. Their morals are firſt to be examined into. Not but we ought to be equally circumſpect in regard to other maſters, as I hinted in my firſt book; but here I think the mentioning of it more particularly neceſſary on account of the children's age, who are almoſt grown up, when ſent to the rhetoric-ſchool, where they continue for ſome years. For this reaſon, greater care ought then to be taken, that the integrity of the maſter's morals may preſerve them in the innocence of their early youth, and his gravity, commanding reſpect, keep them within bounds, eſpecially in an age when a ſpirit of licentiouſneſs makes them more difficultly governed: for it is not enough for him to be of irreproachable conduct, unleſs alſo he curbs them by ſtrict diſcipline.

Above

Above all, let him have towards them the benevolent diſpoſition of a parent, and conſider himſelf as holding the place of thoſe, who have entruſted him with this charge. He muſt neither be vicious himſelf, nor countenance vice. Auſtere, though not harſh; mild, though not familiar; leſt the firſt ingenerate hatred, the ſecond contempt. Let him talk frequently of virtue. The oftener he adviſes, the ſeldomer he will be obliged to puniſh. Let him not give into paſſion, yet let him not diſſemble faults. Let him be plain and ſimple in his manner of teaching; patient in labour; rather punctual in making his ſcholars comply with their duty, than too exact in requiring more than they can do. Let him anſwer with pleaſure the queſtions put to him, and when not aſked, let him aſk of his own motion. Let him neither refuſe due praiſe, nor be too laviſh of it; the one diſcourages, the other begets a dangerous ſecurity. In correcting the faults of their exerciſes, he ſhould neither be tart, nor affront them. Nothing gives them ſo great an averſion againſt ſtudy, as to find themſelves conſtantly reprimanded, which they take to be the effect of their maſter's hatred. Let him daily ſay ſomething, nay many things to them, which they may retain and profit by; for though reading furniſhes them with a ſufficiency of good examples for imitation; yet word of mouth, as it is called, is of much greater efficacy, eſpecially that of a maſter, whom youth of honourable principles, love and eſteem; for it ſcarce can be expreſſed, by what an intire inclination we are prompted to imitate thoſe we love.

A maſter

A maſter muſt not ſuffer his pupils to take the liberty, as is often practiſed, of praiſing and complimenting each other. The opinion of young perſons ought to be very moderate and ſparing; for ſo, they will pay a deference to their maſter's judgment, and think they have done right, when they have his approbation. That ill cuſtom of applauding one another for every thing done, which now goes under the name of good nature, is unbecoming, and ſavours too much of the theatre; and ought, as a moſt troubleſome enemy to ſtudy, to be baniſhed well regulated ſchools. How will they be careful and take pains, when certain that whatever they babble will be received with applauſe? Let thoſe therefore who hear, as well as he that declaims, have an eye to the countenance of the maſter. So it is, they will diſcern what is commendable, and what is faulty; and ſo, by attending to his ſentiments on the performances of their ſchool-fellows, they will acquire a facility in compoſition, and improve their judgment. Inſtead of this, now, at every period they bend forward, ready to riſe, to run about, to clap hands, to cry out! Such are their mutual felicitations, and hence they derive the ſucceſs of their pieces. They become afterwards ſo full of themſelves, and ſo vainly proud, that if their maſter does not praiſe them to the degree they would have him, they think but indifferently of him. On the other hand, let a * maſter content himſelf in being heard with attention and modeſty. It is his pupils buſineſs to ſeek his approbation, and not his theirs.

* It was cuſtomary with young gentlemen at theſe ſchools, not only to praiſe extravagantly their ſchool-fellows, but alſo their maſters. This too Quintilian finds fault with.

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He may, however, take notice of the impreſſion his words make on every one of them; and when he finds they have a ſenſe of what is good, he may rejoice, but more on their account than his own.

I do not approve of the younger boys being ſeated intermixed with the greater; for though a maſter, ſuch as we ſuppoſe him, be capable of keeping his ſcholars to a modeſt behaviour; yet the weak are to be ſeparated from the robuſt, and baſe criminality ſo far from being committed, ought not even to be ſuſpected. I thought it was neceſſary to make this ſhort remark, becauſe there is no occaſion for hinting any thing by way of precept, to ſecure the maſter and ſcholars from flagrant vices. But if one is ſo indiſcreet, as to chuſe for his ſon a maſter, whom he knows to be notoriouſly wicked, he may be aſſured, that all we have hitherto ſaid, and ſhall ſay hereafter on the education of youth, will be to no purpoſe, on account of this ſingle omiſſion.

CHAP. III.

Whether the beſt Maſters at firſt ought to be made choice of.

I Muſt not paſs by in ſilence the ſilly opinion of many, who, when their boys are fit for the rhetoric ſchool, do not believe it neceſſary to place them immediately under the care of the moſt eminent, but keep them for ſome time at ſchools of leſs repute; preſuming that a maſter of ſlender abilities is more proper in theſe beginnings, as eaſier underſtood and imitated, and not too proud

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to ſubmit to the drudgery of the firſt elements of rhetoric. Herein, I fancy, I ſhall be put to no great difficulty to ſhew the advantages of the beſt inſtructions, when it muſt appear, on the contrary, how hard a matter it is to deface the evil that has once ſunk deep; to ſay nothing of the double burden of the ſucceeding maſter, who will have much more trouble in unteaching, than teaching: an inſtance of which we find related of Timotheus, a famous flute-player, who required twice as much from thoſe who were inſtructed by others, than he did from ſuch as came novices into his own hands.

But to proceed; we ſhall find perſons of this way of thinking, guilty of two miſtakes. The firſt, in reputing maſters of ordinary abilities good enough for the preſent. It is true, a good * ſtomach may digeſt every thing; but though this ſecurity is in the main blameable, it nevertheleſs may be ſomewhat tolerable, if the little theſe maſters teach was well taught; but the misfortune is, it is quite the reverſe. The ſecond, and more common miſtake, is believing, that maſters of more diſtinguiſhed merit, think it beneath them to deſcend to ſuch ſmall matters, whether it be they are not inclined to take the trouble, or they cannot. For my part, I would not rank him who cannot, in the catalogue of teachers; but I repute the maſter of the greateſt talents, to be as much

* A metaphor borrowed from food; for as thoſe of a good ſtomach have no particular choice in what they eat, ſo thoſe, on the contrary, who have an indifferent one ſeek meats pleaſing to the appetite and eaſy of digeſtion. In like manner, parents, entertaining the beſt hopes of their children's genius, make no choice of maſters for them.—There is ſome error perhaps here in the text.

capable,

capable, if he pleaſes, of teaching little as great things. Firſt, becauſe the man, who ſurpaſſes others in eloquence, may be ſuppoſed to have ſtudied accurately the means for attaining it. Secondly, becauſe the plaineſt method is always the beſt, which the moſt learned poſſeſs in a greater degree than others. Laſtly, becauſe it is not poſſible, that he who excels in great, ſhould be ignorant in little things. If this was not true, it might as well be ſaid, that Phidias indeed, had made an excellent ſtatue of Jupiter, but that another would have better executed the ornamental parts; or that an Orator knows not how to ſpeak; or that a very ſkilful phyſician is at a loſs to remedy a ſlight indiſpoſition.

What then? Is there not an eloquence by far ſurpaſſing the weak underſtanding of children? There is, I confeſs; but I ſuppoſe this eloquent maſter to be prudent and diſcreet; that he is not ignorant of the beſt method of teaching; and that he can adapt himſelf to the capacity of the learner. Juſt ſo, ſhould a man, who can walk very faſt, chance to go part of a road with a child; would he not give him his hand, would he not leſſen his pace, and go no faſter than as the child might be able to keep up with him? Again, are not things much clearer, and more eaſily underſtood, when explained by a man of learning? Perſpecuity is the principal accompliſhment of eloquence; and the more ſlender a perſon's genius is, the more extraordinary will be his efforts to ſtretch and puff himſelf up: juſt ſo, your pigmy-men walk on tip-toe, to look big; and none are known to be ſo liberal of threats as

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the feeble. I am perſuaded that * bombaſt, and flaſhy thoughts, and brilliant bubbles, and tinſel-periods, and all other affected niceties of diſcourſe, denote a weakneſs and not a ſtrength of genius. In like manner, when we ſee perſons of bloated bodies, we cannot think that this corpulency proceeds from a vigorous conſtitution, but is rather the effect of gluttony and peccant humours. Thus alſo it is, that they who leave the † ſtrait road, either go aſtray, or muſt go a more round about way; and therefore the leſs capable a maſter is, the more will his method of teaching and explaining be involved in obſcurity.

I have not forgot, that in a paſſage of my firſt book, wherein I ſhewed the advantages of a public education to be ſuperior to thoſe of a private, I ſaid that children incline more to the imitation of their companions than others, as more proportioned to their capacities. This perhaps may ſeem to contradict what I now advance. But the caſe

* He cenſures thoſe who, whilſt they over-affect ſome virtue, fall into the vice that borders upon that virtue. *Cacozelia* in the text, ſignifies a vicious affectation. By *tumidos* he means thoſe that ſtrain hard at the ſublime. By *corruptos*, thoſe that hunt after ſtriking and elegant thoughts. By *tinnulos*, thoſe that ſtudy to make out a fine jingle of words.

† This paſſage is thought by moſt interpreters to be ſomewhat obſcure, and probably erroneous: for in the ſecond example there ought to be ſome defect concealed under the appearance of ſome perfection; as in the firſt, when bodies are corpulent, it apparently is a ſign of ſtrength, but proceeds from infirmities and debauchery: ſo they, who turn out of a ſtrait road, may ſeem to ſeek a path-way, either for pleaſure, or to make a ſhort cut. They do ſo moſt commonly, becauſe, *lapſi ſunt*, they are gone out of the right road; or becauſe they are tired: *præ laſſitudine, vel quia laſſi*, as in ſome editions.—The tranſlation has endeavoured to hit upon the moſt obvious ſenſe of the author.

is far from being ſo, and for this very reaſon I would have a boy ſent to the beſt maſter; for his ſcholars, as better inſtructed, will be more complete models for imitation, and ſhould they be guilty of miſtakes, theſe will be inſtantly rectified. On the contrary, an illiterate maſter may paſs by a number of faults, and even perhaps approve them; and his judgment will be a ſtandard of approbation to his whole ſchool. Let us therefore make choice of the equally virtuous and learned, ſuch as * Homer's Phœnix, a man as much renowned for eloquent ſpeech, as the gallant behaviour of a ſoldier.

CHAP. IV.

What ought to be the firſt Exerciſes in the Rhetoric School.

I. *Hiſtoric narratives.* [*Fecundity laudable in Youth. — Too much ſeverity not to be uſed in correcting their compoſitions.—They muſt accuſtom themſelves to write with all poſſible accuracy.*] II. *Confirmation and refutation of narrations.* III. *Praiſe and diſpraiſe of men.* IV. *Common places, and theſes.—He condemns thoſe who keep by them ſtudied common places, to uſe them occaſionally.* V. *Praiſe and diſpraiſe of laws.*

I Am now going to ſpeak of the exerciſes rhetoricians ought to begin with, and therefore, for a while, ſhall defer conſidering what is generally called the art of rhetoric.

A maſter, I think, cannot better begin than with ſubjects in nature like to what the boy has al-

* L. ix. Iliad. 443.

ready learned in the grammar-ſchool. Narrations, very proper for this purpoſe, are divided into three ſorts, excluſive of that which is uſed at the bar. The firſt is fabulous, adopted by tragedies and other poems, without truth, or even a probability for its foundation. The ſecond, fictitious, but true in appearance, is the ſame as ſubjects for comedy. The third is hiſtorical, and contains the relation of real facts. The two firſt we leave to grammarians. The laſt, the more ſolid as true, is what rhetoricians ought to begin with.

In regard to the beſt manner for forming a narration, we ſhall lay down rules for it, when we ſpeak of the judicial kind. All that is neceſſary to be obſerved here is, that it be neither quite dry nor hungry; for to what purpoſe would all the trouble of ſtudy be, was it ſufficient to ſhew things naked, and without any grace or ornament? Neither would I have it too luxuriant by circumlocution and far fetched deſcriptions, in the manner of poetical redundancy. Both are faults, but poverty is worſe than abundance. We can neither require, nor expect a perfect diſcourſe from a child; but I cannot help having a good opinion of the fertile wit, that attempts nobly, though it may ſometimes not keep within the bounds of preciſion. I never alſo diſlike ſuperfluities in a young beginner, and therefore would have a maſter, like a tender nurſe, indulge the young minds of his pupils in the moſt delicious nurture, ſuffering them to feed, as on the ſweeteſt milk, on the gaiety of florid thoughts and expreſſions. Time will ſoon bring the pampered body to a due conſiſtence, and will give great hopes of a ſound conſtitution; whereas

whereas the child that is ſuddenly formed in all its limbs, portends future leanneſs and infirmity. Let us therefore allow them to make little attempts; let them invent, and take pleaſure in their inventions, though what they do is not yet ſufficiently correct and juſt. It is eaſy to remedy fruitfulneſs, but impoſſible to conquer barenneſs. The boy that diſcloſes his turn of genius by a few tokens of judgment, affords me but ſlender hopes of ſolid natural parts. I would have him enlarge upon, and ſpin out his ſubject to more than a juſt length. Time will introduce preciſion and juſtneſs into his thoughts and ſtyle; reaſon will poliſh, and frequent practice rub off ſomething from them. There ought to be ſomething of ſubſtance to bear clipping and filing off, and it will ſo happen, if the plate too thinly wrought in the beginning, does not break on the firſt deep impreſſing of the graving tool. They who have read * Cicero, will make no wonder of what I here advance: "I would have a young man, ſays he, ſhew a fertile genius." For which reaſon, let a maſter, whoſe method of teaching is dry, be avoided, and particularly for children, as he may be as detrimental to them, as a parched and dry ſoil muſt be to young plants. From him they give into a dearth of conception; they grovel, and never attempt to hazard any thing above common diſcourſe. A meagre ſtate is health to them, and what they call judgment, is merely debility; and whilſt they think it enough to be free from faults, they conſider not that it is a ſignal fault to be deſti-

* De Orat. ii. 88.

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* De Orat. ii. 88.

tute of beauties. I would not therefore have maturity brought on apace: new wine cannot inſtantly ripen while it ferments in a vat; it muſt be tunned up to preſerve its ſpirit, and age will be the proof of its goodneſs.

It will not be amiſs to hint, in how great a degree youth are diſcouraged by a maſter hard to be pleaſed, and rather too ſevere in correcting their performances. On this account, they deſpair, fret, and hate ſtudy, and what moſt hurts them, is their attempting nothing, whilſt they labour under continual apprehenſion. The example of vine-dreſſers may not in this reſpect be unapplicable to maſters. They do not prune the vine while its branches are tender, imagining it dreads the knife, and cannot yet endure the leaſt wound. So, a maſter ought to make himſelf agreeable, and ſhould know that remedies, harſh in their nature, require to be mitigated by ſomething gentle. Some things he may praiſe, others he may make ſome allowance for; this he may alter, giving a reaſon, why he does ſo; and that he may mend with ſomething of his own. It will be alſo ſometimes of ſervice to dictate the heads of a ſubject, for being enlarged upon: this will help to perfect a boy's imitation, and he will flatter himſelf that it is a work of his own production. But if his compoſition happens to be ſo faulty as not to admit of correction, in this caſe, it was cuſtomary with me to have recourſe to an expedient, which I always found ſucceſsful. On going over the ſame ſubject again, and having explained it in all its parts, I adviſed him to work it up anew, telling him it might be better done. Thus, the hope of ſucceſs was a great

great incentive to ſtudy. Others are to be treated differently, but all according to their reſpective capacities. It was alſo cuſtomary with me to acquaint thoſe, whoſe ſtyle was ſomewhat gay, and thought more bold than ſolid, that for the preſent it might paſs, but that a time would come, when I ſhould not permit ſuch liberties. By this treatment, they prided themſelves in their wit, and were not deceived in their judgment.

But to return from whence I have digreſſed; I would have them compoſe their narrations with all the accuracy poſſible of elegant ſtyle. At firſt, for forming them to talk with facility, they will profit much by making them repeat what they have heard, tracing the expoſition through all its parts. What I here mean, regards ſuch only as are merely children; who, while they can do nothing elſe, and while they begin to annex words to ideas, may greatly by this exerciſe improve their memories: but, as ſoon as taught to make a regular and correct diſcourſe, to ſuffer them to prattle extempore nonſenſe, to ſpeak before they think, to blab out things indiſcreetly, before they are hardly riſen from their ſeats, is indeed a ridiculous oſtentation, more befitting a Charletan than Student of rhetoric. This, however, fills ignorant parents with joy, inſpires youth with a contempt for ſtudy, furniſhes them with a ſtock of impudence, makes them contract a habit of ill-ſpeaking, practiſes them in venting fooleries, and, what has often ruined a conſiderable progreſs in learning, creates in them an arrogant preſumption. Every thing will have its time, and I ſhall not forget in the * ſequel, to

* Book x. c. 7.

diſcuſs this point of extempore ſpeaking. In the mean time, it will be enough for a youth, with all the application and care he is capable of, to write ſomething tolerable. Let this be his conſtant exerciſe, and let him make it a ſort of ſecond nature. The moſt likely to attain what we here ſeek after, or at leaſt to come near it, is he that learns to ſpeak with propriety and elegance, before he learns to ſpeak with facility.

II. To narrations is not improperly ſubjoined the * manner of confirming and refuting them. This is practiſed as well in hiſtorical records, as fabulous ſubjects and poetical narratives. If the queſtion ſhould be concerning the probability of a crow's alighting on the head of Valerius, and contending hard, whilſt he continued fighting, with beak and wings to peck and laſh at the face and eyes of the Gaul, his adverſary; it would on both ſides furniſh matter of great conteſtation. The ſame may be ſaid of the ſerpent, it is imagined, Scipio derived his origin from; and the ſhe-wolf of Romulus, and Numa's Egeria. Greek hiſtory, for the moſt part, is as fabulous as their poetry. There are likewiſe ſeveral queſtions concerning the time and place of the tranſaction, and even ſometimes concerning perſons. Livy and other hiſtorians abound with theſe doubts, and rarely agree in opinion with each other.

III. From hence there may be a gradual tranſition to greater matters, as the praiſe of illuſtrious men, and the diſpraiſe of the vicious, by which a youth will reap more than one advantage. For beſides exerciſing his genius on a ſubject ſo copious

* This is called in Greek, ἀνασκευὴ καὶ κατασκευὴ.

and

and ſo full of variety, the conſideration of good and evil and their conſequences, will form his morals; he will likewiſe acquire the knowledge of an infinity of things, and his memory will be ſtored with examples, which are of ſingular efficacy in the pleading of all kinds of cauſes, and of which he will make a proper uſe, as he finds occaſion. To this may ſucceed the exerciſe of forming parallels, "as which is better, or which is worſe." Theſe, though ſimilar to the juſt mentioned ſubjects, contain a much more extenſive matter, as treating not only of the nature of virtues and vices, but alſo of their degree and meaſure. But, as the notions of praiſe and diſpraiſe, belong to the third part of rhetoric, we ſhall ſpeak of them in their * place.

IV. As to common places, (I ſpeak of thoſe, in which, without mentioning perſons, it is cuſtomary to inveigh againſt vice, as againſt an adulterer, a gameſter, debauchee,) they are ſo inſeparable from judicial cauſes, that we need only name the party and convert them into real accuſations. We may deſcend alſo from generals to ſome particulars which aggravate the guilt, as "a blind adulterer, a poor man addicted to gaming, an amorous old fellow." Sometimes too, for exerciſe ſake, we may take the part of theſe vices; for in real cauſes, a defence is admitted in favour of luxury and love; we plead for a pimp and paraſite; but in palliating the crime, we are not advocates for the criminal.

Certain theſes, framed out of a comparative view of things, are very fruitful ſources for the exerciſe of eloquence; as "Whether a country life be preferable to a city life;" "Whether the function

* Book iii. c. 7.

of a lawyer is more honourable than that of a ſoldier." Such queſtions are of great ſervice for either the deliberate or the judicial kinds; and Cicero has treated the latter in a very ample manner, in his oration for Murena. The following are entirely in the deliberative kind; as, "Whether it be adviſeable to marry;" "Whether magiſtracies ought to be ſought after." Connected with the parties to be adviſed, theſe become deliberations of ſome importance.

My maſters, I remember, were wont to exerciſe us on a ſort of ſubject which was equally pleaſing and agreeable to us. Theſe ſubjects conſiſted of conjectural queſtions, as "What reaſon the Lacedemonians had to repreſent Venus armed?" "Why Cupid is repreſented as a boy, with wings, and armed with arrows, and a torch?" The whole ſtreſs of the argument lay in diſcovering the intention of the author. Frequent debates occur on like queſtions in civil cauſes, and they may ſeem to be a kind of chrias.

Other common places, concerning "the credibility of witneſſes, and believing on ſlight proofs," ſo evidently belong to the judicial kind, that lawyers of ſome note, write, and commit them carefully to memory, to have them at hand, for embelliſhing, as with ſo many * ornaments, their extempore harangues. Herein, indeed, they ſeem to me conſcious to themſelves of very weak intellects; for how will they diſcover the eſſential

* *Emblema* in the text, ſignifies ſomething ſet in and applied to another thing. Cicero uſes the word *emblemata* to denote certain ornaments ſet in gold and ſilver veſſels, which may be taken out or put in as one pleaſes.

point

point of a cauſe, which has always different and new faces? How will they be able to anſwer the arguments of their adverſaries; clear up inſtantly unforſeen difficulties ſtarted amidſt altercations; interrogate properly a witneſs; and all theſe, and the like, if there be a neceſſity for ſo much preparation to ſay what is common, what takes place in moſt cauſes, and what is the uſual practice of the bar? Muſt not theſe orators, by conſtantly inſtancing in the ſame in a diverſity of pleadings, diſguſt their auditors, as if they had ſerved up to them cold and laid-by meats? Or muſt they not be aſhamed to bring ſo often to their remembrance the retailing of their wretched furniture; in this reſpect not unlike reduced gentlemen, ever priding themſelves for putting their antique family remains to all ſorts of uſes? Add to this, that no common place can well coincide with a cauſe, unleſs it bears a natural affinity to the principal queſtion: otherwiſe, it will appear not ſo much applicable as foiſted in; either, becauſe it differs from other parts, or is improperly introduced; not that there is an occaſion for it, but becauſe it is ready for uſe. I paſs a like cenſure on thoſe verboſe digreſſions, which ſome deſignedly give into, to make room for a beautiful thought; whereas the thought ought naturally to flow from the cauſe itſelf: for though an expreſſion be ever ſo beautiful, a remark ſo nice, they will tend to nothing, unleſs deciſive of the main point, being not only ſuperfluous, but often contrary to the affair in queſtion. But perhaps we may have digreſſed too far ourſelves, and therefore ſhall return to our ſubject.

V. The

V. The praiſe and diſpraiſe of laws, is a kind of eſſay that requires a degree of eloquence equal to the greateſt ſubjects. . .

Such were the ſubjects, by which moſt commonly the ancients exerciſed the talent of ſpeaking, but adopted the logical form of argument. The Greeks were not acquainted till the time of Demetrius of Phalerea, with the manner of forming harangues in imitation of thoſe of the bar, and public conſultations. I cannot aſſuredly ſay he was the author of this ſort of exerciſe. They, who inſiſt he was, cannot make appear their aſſertion as well grounded. Cicero * informs us that the Latins began to have maſters for the art of ſpeaking about the latter time of Lucius Craſſus; and among them Plotius was reckoned the moſt illuſtrious.

CHAP. V.

Of the reading of Orators and Hiſtorians in the Rhetoric School.

I. *The Rhetorician ought to inſtruct his pupils in the reading of hiſtory and oratorial Speeches.* II. *His principal care muſt be to point out their perfections and beauties, and ſometimes their faults.* III. *He ſhould ſometimes read to them faulty ſpeeches.* IV. *He ſhould frequently aſk them queſtions.* V. *Such exerciſe will be of more ſervice than any precepts.*

I Shall ſoon hereafter ſpeak of the method of declaiming; in the mean time, as we yet are treating of the firſt elements of rhetoric, I think a maſ-

* Lib. iii. de Orat. p. 93. See the paſſage of Cicero concerning Plotius, quoted by Suetonius in his book of illuſtrious Rhetoricians, n. 2.

ter

ter will much contribute to the improvement of his pupils, if, as grammarians explain poets, he in like manner ſhould make them acquainted with hiſtorians, and particularly orators. This I practiſed when I profeſſed teaching; but my care was confined to a few, whoſe age ſeemed to require it, and whoſe parents requeſted it as a favour. I was then, indeed, very ſenſible of its advantages, but could not well depart from the cuſtom of otherwiſe teaching, which had been long uſed; beſides this the greater part of my ſcholars, who had already made a conſiderable progreſs in their ſtudies, did not want a help of the kind, and could follow the * examples I ſet them. Even now, had I acquired any new help, I ſhould not be aſhamed to communicate it to the public. What I here recommend, I know to be obſerved by the Greek maſters of rhetoric, though not entirely by themſelves, as not having ſufficient time to diſcharge the taſk; but rather more by the aſſiſtants they employ for this purpoſe.

It is certain, that to read an author with a boy; to teach him only to read ſmoothly and diſtinctly; or to make him likewiſe remark the force of expreſſion, if any occur deſerving notice, is much beneath the profeſſion of a rhetoric-maſter: but to point out beauties, and faults alſo, if any, I take to be a duty, which he cannot be reaſonably diſpenſed from; and ſo much the more, as I do not

* They did not read in rhetoric ſchools hiſtorians and orators, from whence they borrowed examples for compoſition; but followed the examples I ſet them. This appears by what he ſays in the fifth ſection of this chapter: "A maſter declaims, that a ſcholar may copy after his manner; but would not the reading of Cicero and Demoſthenes be of more ſervice to them?"

demand

demand from him the drudgery of reading with every child the particular book they fancy, this being the buſineſs of thoſe who teach the firſt rudiments. But I would have him, as the eaſieſt and moſt uſeful way of complying with this duty, make choice of an oration, and commanding ſilence, appoint his ſcholars, every one in his turn, to read a part, which will be a ready means of forming their pronunciation. Afterwards, he will explain to them the ſtate of the cauſe; for ſo the reſt will be the eaſier underſtood. Next, he will let nothing paſs, either in the invention or elocution, without ſome remark. He will obſerve to them in the exordium, the art of the orator in procuring the favour of the judges; the perſpicuity of the narration, its conciſeneſs, its air of ſincerity, its deſign and ſometimes hidden artifice; for here the ſecret of the art is known only to connoiſſeurs. He then will ſhew the order and exactneſs of the diviſion; he will obſerve how ſubtil and cloſe the orator is in his arguments; here how ſtrong, nervous, and ſublime; there how ſweet and inſinuating; how tart in his invectives, how nice in his railleries; laſtly, how powerful he is in the paſſions, how he forces and maſters hearts, and turns the minds of the judges as he pleaſes. In regard to elocution, he will let them ſee the choice, the elegant, the ſublime expreſſion: on what occaſion the amplification is commendable, and where it is not; where lies the beauty of metaphors, which are the figures in words, and what is a ſmooth and periodical ſtyle, yet manly compoſition.

III. Neither will it be unneceſſary to read alſo publicly for them certain orations, which are extremely

tremely faulty, and are only in requeſt on account of the corrupt taſte of the times. The many improprieties of ſpeech, and the many obſcure, turgid, low, mean, wanton, and effeminate things in them ſhould be pointed out; becauſe, not only they are received with a ſort of general approbation; but, what is worſe, are eſteemed becauſe vicious. A plain and natural compoſition ſeems now to have no wit. What is far fetched and extraordinary captivates our admiration; juſt ſo, as ſome are known to ſet a greater value on miſhaped bodies and monſtrous figures, than ſuch as are poſſeſſed of all natural advantages. Some won alſo by appearances, imagine a more exquiſite beauty to be in * artificial features, in a painted face, in falſe or coloured looks, than in the unartful garb and mien of innocent and pure nature, as if the beauty of the body could be inhanced by the depravation of our morals.

IV. It is not ſufficient for a maſter to animadvert in this manner; he ſhould likewiſe often aſk queſtions, and ſo prove the judgment of his ſcholars. This will be a means to keep them from a notion of ſecurity, to fix in their memories what is ſaid, to ripen their invention, and to clear up their conceptions. For what other is our end in teaching them, but that they may not always be taught?

V. I dare ſay, they will profit more by this care, than by all the precepts of arts and ſciences, which undoubtedly are great helps, but conſidered

* The text has *levatis* for *levigatis*, for *leve* with the firſt ſyllable long, ſignifies ſomething ſmooth and without hairs. The men, in Quintilian's time, that affected a handſome face, plucked out the hairs on their cheeks; whence they were called *vulſi*.

in

in their extent, imply an impoſſibility of examining into all the diſtinct ſpecies of things, which daily preſent themſelves to our conſideration. There are general precepts on the art of war, but it would avail more to know, how a general behaved in ſuch a ſituation and time, and what contributed to his ſucceſs, and what not. For in all caſes, experience moſt commonly effects more than theory. A maſter declaims, that his ſcholars may copy after his manner; but would not the reading of Cicero and Demoſthenes be of more ſervice to them? He corrects publicly the faults his ſcholars make in their declamations, but would it not be much better to criticize the juſt-mentioned modern pieces of eloquence, which muſt not only make a greater impreſſion, but alſo be more pleaſing to them; for ſelf-love would rather have the faults of others corrected than its own? I have yet many things to ſay on this head, but all know the utility of the counſel I give, and I heartily wiſh that the ſenſe of the benefit may prompt to its being put in execution!

CHAP. VI.

What authors are firſt and principally to be read.

I. *The beſt authors are to be firſt and always read.*
II. *Care muſt be taken, that youth ſhew not too great an affection either for the more ancient, or for the modern.*

I. THERE remains to diſcuſs what authors are firſt to be read. Some approve of authors of leſs note, becauſe the underſtanding of them is more

more eaſy; others of the more florid, as more capable of feeding with delicious nouriſhment the genius of children. For my part, I think that the beſt ought to be read firſt, and always; eſpecially, the plaineſt and moſt natural; and therefore I recommend Livy preferably to Salluſt. Livy has taken in a greater ſcope of hiſtory, but to underſtand him one muſt have made ſome progreſs. Cicero appears to me pleaſing to beginners, and is ſufficiently plain. He may be read not only with profit, but even a fondneſs may be contracted for reading him; yet this muſt be by thoſe, as * Livy ſays, who have copied his character.

II. There are two ſorts of authors I would have youth cautioned againſt. The firſt, are thoſe that favour too much of antiquity, as the Gracchi, Cato, and ſuch as lived about the ſame time. An over-fond admirer of their productions ought not to put them into the hands of youth, leſt they contract a ſtiffneſs by the reading of them, and withal a harſh, dry, and barbarous ſtyle: for incapable of attaining the ſtrength of their noble ſentiment, they will reſt ſatisfied with their elocution, which then was undoubtedly of the beſt, but is not ſo now; and the worſt is, that by imitating what was defective in theſe great men, they will be ſo fool-hardy as to fancy they reſemble them.

The ſecond, are the moderns, who ſlide into the oppoſite extreme. Youth muſt beware of being enamoured of the profuſion of ornaments crouded into their writings; and the bait is the more dangerous, as this luſcious manner is nearly allied to

* In his epiſtle to his ſon, mentioned in the tenth book, chapter firſt, which, it were to be wiſhed, was extant.

conceits

conceits of puerile fancy. But when the judgment is ſufficiently formed, and without running any riſque, is capable of abiding by the good and the true in writing, then both the ancients and moderns may be indiſcriminately read. The force and ſolidity of the former, purged of the dregs of a groſſer age, will add new luſtre to the elegance of our ſtyle; and the latter will appear to have qualities, not to be rejected. We are not more dull by nature than the ancients; but we have perverted the taſte of good writing and refined it to a fault. Our wit is as ſprightly as theirs, but it wants to be animated by the grandeur of the ſame deſigns. We muſt therefore endeavour to make a proper choice, and diſcern between good and bad, which lie often intermixed. I not only grant, but even contend, that there lately have been, and are ſtill living, ſome * moderns, worthy of imitation in all reſpects. But to make known who they are is not every one's buſineſs. The imitation, however, of the ancients is ſafer, ſhould we even go aſtray with them. I therefore thought it adviſeable to poſtpone the reading of the moderns, that their imitation might have no aſcendant over us, till we are able to form a competent judgment of their merit.

* He means Pliny, Tacitus, and ſome others of his cotemporaries.

CHAP.

CHAP. VII.

On what ſubjects a maſter of rhetoric ought to exerciſe his ſcholars ſtyle and compoſition.

MASTERS diſagree in the manner of preſcribing ſubjects for compoſition. Some, not ſatisfied with dividing them into all their parts, enlarge on every point, aſſigning proofs, figures, and paſſions to their reſpective places. Others draw only the out-lines, but when their pupils have performed their declamations, they fill up what had been omitted by each of them, and improve ſome parts with as great care, as if they were to pronounce them themſelves.

Both theſe methods are good, and I ſeparate not the one from the other; but if a choice was to be made, I ſhould rather put children immediately on the ſtrait road, than wait to recall them when once gone aſtray. Firſt, becauſe correcting their faults affects only their ears, whereas an exact diviſion directs both their thought and ſtyle. Secondly, becauſe a maſter is heard with leſs reluctance, when he inſtructs than when he finds fault, and now eſpecially, when youth, from their morals being ſo little attended to, ſhew a petulancy of diſpoſition, prone to reſentment, or tacitly indignant of reproof. Still their faults are not leſs to be publicly corrected, that it may not be imagined by the other ſcholars, that what the maſter left unnoticed, was right. But both methods might be equally and occaſionally uſed. Beginners ought to

have ſubjects adapted to their abilities, and having ſufficiently conformed themſelves to the preſcribed rules, they may be ſhewn, as it were, a ſhort cut, and ſuffered to follow the bent of their own genius, leſt the habit of doing nothing without the help of another, make them incapable of attempting any thing of themſelves. When they have executed any thing tolerable, the maſter's care will be almoſt at an end; but if they ſtill commit miſtakes, it will be his buſineſs to redreſs them. We perceive a like conduct in birds, which, while their young are yet but weak and tender, bring them food, and diſtribute regularly to all their portion; but when they ſeem fledged, and to have gathered ſtrength, the mother teaches them to get for a ſhort time out of their neſt, and to fly about their own place, ſetting an example of flying before them herſelf; and when thus ſhe has made ſufficient trial of what they are able to do, ſhe ſuffers them to take wing where they pleaſe, and act as they liſt.

CHAP. VIII.

Boys ought to be made to commit to memory ſelect paſſages from hiſtorians and orators; but ſeldom what they have written themſelves.

I Think the cuſtom ought to be entirely changed, of making boys get by heart their own compoſitions, and declaiming them at ſtated times. This is greatly owing to parents, who meaſure their children's ſtudies by their frequent declamations, whereas their greateſt progreſs conſiſts chiefly in diligence. But, as I would have children learn to

compoſe, and to be more converſant with this exerciſe than any other; ſo alſo, preferably to their own compoſitions, I would have them get by heart ſelect paſſages from orators, hiſtorians, and other authors, deſerving of this care. When for ſome time they have accuſtomed themſelves to this ſeemingly foreign to them, and laborious kind of exerciſe, they will the eaſier fix in their minds their own compoſitions; they will familiarize themſelves to the beſt things; by them they will have a fund in themſelves for imitation; and even without thinking of it, will expreſs the form of that piece of eloquence, they had treaſured up in their minds. Words, manner, turns, figures, all will ſpontaneouſly flow in, and preſent themſelves from this treaſure. The remembrance of witty ſayings and ingenious thoughts will alſo be as much an additional charm in converſation, as uſeful at the bar; for a well-timed application, not having the air of ſtudy, does us more honour than if it was our own production.

Youth, however, may ſometimes be permitted to declaim their own compoſitions, that they may not be fruſtrated in the praiſe they ſeek after, and which they repute the chief reward of their labours. But this indulgence ſhould not take place but when they have accompliſhed ſomething accurate. Then it is they may reaſonably expect it as due to their ſtudy, and pride themſelves for having deſerved it.

CHAP. IX.

Whether every one is to be taught according to his genius.

IT is reckoned a talent of no ſmall merit in a maſter, to be able to diſcern the difference of his pupils genius, and to know what in each is the bent of nature. The variety in this reſpect, diſcloſing itſelf to view, is wonderful. We diſcover almoſt as many forms of minds, as of bodies; and without paſſing out of our ſubject, we may have an inſtance of it in orators, who though they have formed themſelves in imitation of thoſe they approved of, yet ſo far differ in the manner of eloquence, that not one is like another. Hence it is, that ſeveral ſeemed to act with reaſon, by cultivating the good natural parts of children, and aſſiſting them in the things, for which they ſeemed to be born. A man well verſed in the requiſites for being a proficient in the exerciſes of the academy, in order to train up the youth committed to his charge, makes trial of their ſtrength, their agility, and their inclination for one exerciſe more than another. The ſame way, a maſter of eloquence, ſagacious at paſſing in review the turn of genius in every one of his ſcholars, one being juſt and correct, another rather bold; one ſerious, another ludicrous; one ſmooth, another rough; one florid and brilliant, another polite and delicate; ought ſo to adapt himſelf to each, as to endeavour to perfect him in what his talent chiefly lies; becauſe nature, ſeconded by care, waxes ſtronger and ſtronger; and the perſon that is put

out of his biaſs, cannot help performing but indifferently, as by deſerting, as it were, his inſtinct, he muſt of conſequence be weaker in his efforts.

For my part, being always for following the dictates of reaſon, even contrary to received opinions, I muſt confeſs that I am not intirely of this ſentiment. It is true, a diſcernment of the peculiarities of genius is neceſſary, and a certain choice ought to be made of ſuitable ſtudies. One will be diſpoſed for hiſtory, another for poetry, another for the law, and ſome perhaps will be ſo ſtupid, as to be fit for nothing but the plough. It is the buſineſs of a maſter of eloquence to pry into, and draw a line of ſeparation between theſe different characters of wits; juſt as the conductor of the exerciſe-ſchool, deſigns one for the courſe, another for wreſtling, another for fiſty-cuffs, and another for ſome other contention, like any of thoſe practiſed in the ſolemn * games of Greece. The caſe is different in regard to him, who is deſtined for the bar. It is not enough for him to be expert in a part of his art. Notwithſtanding any intervening difficulties, he muſt ſtrenuouſly endeavour to attain the whole of it. For if nature were ſufficient, there would be no neceſſity for learning.

Should a genius be depraved by the affectation of refinement, or pompous thoughts and expreſſions, as it happens to a good many; muſt it be ſuffered to indulge theſe fancies? Muſt not food and raiment be given to the hungry and naked?

* There were four of theſe ſolemn games of Greece, viz. the Nemean, Olympian, Iſthmian, and Pythian, in which were various antagoniſts for entering the liſts in each of the contentions.

If ſuperfluities are to be retrenched, why ſhould it not be allowable to ſupply deficiencies? I do not run counter to nature; I would not have native excellencies neglected, but rather improved and augmented. When that great maſter Iſocrates, whoſe books are a proof of his eloquence, whoſe diſciples are evidences of his good teaching, paſſed this judgment upon Ephorus and Theopompus, that the one wanted a bridle, the other a ſpur; did he therefore pretend that a maſter was to promote the ſlowneſs of the one, and the impetuoſity of the other? He rather thought that their nature wanted mingling together.

Weak wits, however, ſhould be ſo managed, as to be made only to ſecond the call of nature. So it is, they will ſucceed better, if wholly employed about the little they are capable of. But thoſe bleſſed by nature with a fruitful genius, and of whom we may rationally entertain the beſt hopes for becoming Orators, muſt not neglect any accompliſhment of eloquence. For though they may be naturally inclined to one manner more than another, there can be no impediment to their embracing all, as application will make their acquired qualities equal to their natural. It is ſo, to make uſe again of our former example, that a ſkilful teacher of exerciſes acts in regard to * one he deſigns

* *Pancratiaſtes* in the text, is ſaid to be a perſon, like our Engliſh adepts in the ſcience of boxing, who, with all the might of his body, kicks, cuffs, croſs-buttocks, and folds himſelf about his adverſary. This ſort of exerciſe was called *pancratium*, and is one of the five combats of which the Πένταθλον of the Greeks conſiſted. Theſe were wreſtling, fighting with the ceſtus or boxing, running including charioteering, jumping,

ſigns to train up and perfect in all the branches of his art. He does not merely teach him to kick, or cuff, or trip, or catch hold, or fold himſelf in a certain way about his adverſary; but he inſtructs him in all the dexterity of feints and ſlights that may be uſed in every one of theſe glorious ſtrifes. Should a youth ſeem not diſpoſed for performing ſome of theſe exerciſes, the maſter will apply him to that he is moſt capable of; for two inconveniencies muſt be avoided, the firſt, not to attempt what is impracticable; the ſecond, not to ſet aſide a thing that may be very well done, for another that cannot be ſo well done. But let the exerciſe-maſter complete ſuch as was Nicoſtratus, that famous invincible old champion, whom, when I was a young man, I ſaw honoured with a crown, for having gained on the ſame day the prizes of the ceſtus and wreſtling.

And now, how much greater ought the care of the future Orator's maſter to be, who ſhould form him to every manner of eloquence, it being not enough for him to poſſeſs a ſingle perfection, as of being only conciſe, ſubtil, or ſmart. A * muſician is not eſteemed good, if he only touches and ſtops well the baſe, or menor, or tenor, or treble. To be good, he muſt be perfect in every article; for it is the ſame with a piece of eloquence, as with a lyre, which will admit of no accurate execution, unleſs the juſt agreement of its different

ing, and throwing the quoit. Some will have the *pancratium* to be the ſame with the *pentathlum*, that is, theſe who could go through every one of the five ancient combats of Greece, and this ſeems to be the right ſenſe of this paſſage.

* *Phonaſcus* in the text, is properly a maſter of pronounciation, or modeller of the voice.

ſounds united together, forms that harmony which raviſhes and tranſports us.

CHAP. X.

Of the Duty of Scholars.

HAVING enlarged upon the duties of maſters, before I proceed farther, I have one advice to recommend unto ſcholars, and this is, to love their maſters not leſs than the ſciences they learn from them, and to conſider them as parents, from whom they receive not the life of the body, but the life of the ſoul. In ſuch a diſpoſition of mind, they will be attentive to them with more willingneſs, will believe what they ſay, will deſire to be like them, and will come to ſchool with more pleaſure and alacrity. When admoniſhed, they will not take it ill; when praiſed, they will be glad; and to be highly endeared, they will deſerve it by application and diligence. It is the maſter's duty to teach, and it is theirs to make themſelves tractable. One can effect nothing without the other. For, as the origin of the human body proceeds equally from the father and the mother; and, as there is no ſowing a piece of ground, unleſs properly prepared, ſo eloquence cannot coaleſce without the mutual concurrence of the teacher and learner.

CHAP. XI.

That declamations ought to reſemble as nearly as poſſible the pleadings of the bar.

WHEN a youth is ſufficiently converſant with his firſt eſſays, which are not inconſiderable in themſelves, but are, as it were, the limbs

limbs and parts of greater matters; he may apply himſelf to ſubjects in the deliberative and judicial kinds. But before I enter on this diſcuſſion, I ſhall animadvert a little on the manner of declamation, an exerciſe of late invention, but extremely uſeful, when properly conducted. Beſides comprehending the greater part of the things already mentioned, it bears the neareſt reſemblance to truth; and for this reaſon, is ſo much prized, that many think it alone ſufficient for forming an Orator, as there is ſcarce a requiſite in a ſet ſpeech, but may be found in this kind of compoſition. It has, however, much ſwerved from its primitive inſtitution; the ignorance and licentiouſneſs of declaimers being juſtly held to be one of the principal cauſes of the corruption of eloquence. But what in its nature is good, has this peculiar to it, that it may be converted to a good uſe. Let therefore the ſubjects that are imagined retain the reſemblance of real ones, and let declamation, as nearly as poſſible, imitate thoſe acts, for the exerciſe of which it was imagined; for ſubjects of declamation, built upon magic incantations, the cauſes of peſtilence, the anſwers of oracles, the cruel devices of ſtepmothers ſo often agitated in tragic ſcenes, and a variety of ſtill more fabulous deſcriptions, have no manner of relation to the * forms and practice of the bar.

What if they have not? Shall therefore young perſons be never permitted to treat theſe marvel-

* *Sponſiones et interdicta.* By *Sponſi* is meant a covenant, or rather a wager at law. When both parties by conſent laid down a ſum of money to engage their ſtanding to trial, the iſſue whereof was, that he who was caſt in the ſuit, loſt alſo his money. *Interdictum* ſignifies an arreſt.

lous

lous, and I may truly ſay, poetical ſubjects? Muſt they never indulge their imagination in the extraordinary evagations of fiction, and give them, as it were, a body by the force of eloquence? It would be more adviſable if they never did. Let them hold to what is grand and noble, and not to fuſtian, extravagance, and ridicule. But if allowances are to be made our declaimers, let them endeavour to pamper themſelves, provided they know, that as beaſts are put to graſs for a time, and afterwards let blood, before they return to a food of greater conſiſtence, and more proper for preſerving their health and ſtrength: ſo they, if willing to be wholeſome and vigorous, muſt diminiſh their corpulency, and evacuate all groſs and corrupt humours; otherwiſe the inanity of the inflation will be diſcovered at the firſt attempt of any work having truth for its foundation.

They who fancy the whole buſineſs of declamation to be intirely different from the pleadings of the bar, are not acquainted with the end and reaſon of its invention. If it be not a preparative to the bar, it will at beſt be but an empty ſhew, a mad vociferation more becoming a ſtage-player than an Orator. What will it avail to gain over a judge where no judge exiſts? To what purpoſe is a narration made, known by every one to be falſe? Where is the neceſſity of alledging proofs for a cauſe on which none are to paſs ſentence? All this is ſomewhat tolerable; but to be touched; to excite anger and indignation, ſorrow and compaſſion in the minds of the auditory, muſt be an extreme piece of mockery, unleſs this image of war is as a prelude to real contention.

Muſt

Muſt there be no difference therefore, between the pleadings of the bar, and declamatory ſpeeches? There ſhould not, if our motive be improvement. I wiſh it was cuſtomary to deſcend to particulars; to name perſons; to imagine controverſies of a more complicated nature, and requiring ſome length of time in the diſcuſſion; to be not afraid of uſing popular terms, or ſuch as obtain at the bar; to ſeaſon the whole with ingenious raillery; in all which we are perfect novices when we appear at the bar, notwithſtanding the multiplicity of our ſchool-exerciſes.

Declamations calculated for oſtentation, may give ſomething to the pleaſure of the ear; for in pleadings, grounded undoubtedly on ſome truth, but whoſe aim is to amuſe agreeably, as panegyrics, and all ſpeeches in the demonſtrative kind, there is full allowance for more flowers and graces than in judicial proceedings, in which uſually the art is more hidden, but in them diſplays all its colouring and beauty, to fill the expectation of an auditory, who come deſignedly to hear a fine diſcourſe. Wherefore, ſo far as declamation is the image of judicial and deliberative cauſes, it ought to have a veriſimilitude; and ſo far as it is a work of * oſtentation, a due ſhare of pomp and luſtre. This is what comedians do. They do not intirely ſpeak in the manner of common converſation, which would be artleſs; yet do not depart much from nature, which if they did, imitation would be deſtroyed; but they heighten the ſimplicity of ordinary diſcourſe, by a becoming theatrical air and manner. . .

* ἐπιδεικτικὸν.

CHAP.

CHAP. XII.

Thoſe are refuted, who think that Eloquence requires no Precepts.

WE now muſt enter upon that part of rhetoric, by which they, who have omitted the foregoing particulars, uſually begin. But I ſeem to myſelf to ſee ſome ſtopping me at the very entrance, and urging with ſome warmth, that eloquence is in no need of ſo many precepts; that to attain it, it is fully ſufficient to have good natural parts, aſſiſted by the common learning of ſchools, and a little practice at the bar; and that all our care, in the main rather a juſt ſubject for ridicule, muſt of conſequence fall ſhort of its aim. Some profeſſors of great note may perhaps be inſtanced in as favouring this way of thinking. One of theſe being aſked what a figure and trope meant? anſwered, that he could not exactly tell, but that examples of them might be found in his declamations. Another being aſked, whether he was a diſciple of * Theodorus or Apollodorus? "If you mean me, ſays he, I am a prize-fighter." He could not, indeed, more genteelly wave the confeſſion of his ignorance. But it may be ſaid of thoſe who are indebted for their ſucceſs to happy

* Theodorus and Apollodorus were excellent profeſſors of rhetoric, (of whom mention is made in the 3d Book, c. 1.) From them their diſciples were called Theodorians and Apollodorians. The rhetorician by a joke evaded a direct anſwer, calling himſelf one of thoſe gladiators that went by the name of *Parmularii*, as defending themſelves by a ſhield, *parmula*. This ſort was alſo ſtyled *Thrax*.

natural

natural parts, that they have few like them in genius, but many in their neglect of ſcience.

Theſe are ſuch as boaſt of ſpeaking by the impulſe of a native force and impetuoſity. Where is the neceſſity, in their opinion, for proofs or regularity in a fictitious harangue? Nothing more is wanting than a pompous thought and expreſſion, and the boldly, if not raſhly, hazarded, are the beſt. This is what they ſeek after; this fills their auditories; and full of theſe notions, you ſee them big with thought, at a loſs how beſt to proceed; ſometimes gazing at the cieling, ſometimes waiting whole days together, till their brain is in humour to give birth to ſomething grand; and ſometimes, rouzed by a confuſed murmur, as by a flouriſh of trumpets for engaging, changing ſeveral times their poſition, fluttering with a variety of motions, and all this, not for uttering words in proper order, but for ſeeking them.

Others, before they have agreed with themſelves, on what they are to ſay, make out certain beginnings, to which they intend to tack ſomething brilliant. Having raved upon them for a conſiderable time, perceiving the difficulty of connection, they at length deſpair of ſucceſs, and ſo paſs to a diverſity of other things, all which relate equally as little to the matter in queſtion.

They, who ſeem to be more rational in their way, exhauſt their labour more upon common places, than the ſtreſs of the cauſe itſelf. Hence, the thread of diſcourſe often broke, darts along in abrupt ſentences, deſtructive of all uniformity, and making theſe motley pieces like unto children's collections, in which they have jumbled together whatever

whatever they have heard praiſed in the compoſition of others. They pride themſelves that they ſometimes hit upon beautiful thoughts and good things; but do not the moſt ſtupid, and even our ſlaves ſometimes do the ſame? If this was enough I ſhould eaſily grant, that the art of oratory is no way neceſſary.

CHAP. XIII.

Why thoſe, who have ſtudied leſs, ſeem more ingenious than others.

TO believe that the illiterate, or thoſe who have ſtudied leſs, ſpeak with greater energy than others, is a conſequence of the abuſe I juſt now hinted, and proceeds chiefly from the corrupt judgment of ſome, who imagine that artleſs things affect in a more lively manner. Opening, looſing, and leading, is nothing with them comparatively to breaking, forcing, and dragging. A gladiator, though never taught to fence, is reckoned brave for ruſhing on his adverſary; and a wreſtler potent, who by main ſtrength holds faſt what he has ſeized with his gripe. But the firſt is often ruined by his forcible attack, and the other ſurpriſed to ſee all his impetuoſity diſarmed by a ſlight* trip from his antagoniſt.

But in this reſpect there are certain appearances, which naturally lead the ignorant into deceptions: For diviſion, which is of vaſt advantage in cauſes, ſeems to weaken the diſcourſe; and all uncouth

* Quintilian elegantly calls *mollem articulum* a ſlight inflection of body, by which the ſkilled in fencing elude their adverſaries blow. For the limbs receive a bent from the joints.

and

and ill-connected things ſeem more magnificent, and in greater number, than when poliſhed and placed in order.

There is alſo a certain affinity between virtues and vices, which frequently occaſions the name of freedom to be given to ſlander, of ſtrength to raſhneſs, of liberality to profuſion. An ignorant barriſter, regardleſs of his own, and client's danger, is more open in his aſperſions, and has oftner recourſe to them than others; and this may bring him into a ſort of repute, as people very willingly liſten to the ſcandal they would not chuſe to propagate themſelves.

But there is another danger, and much to the detriment of elocution, from this ignorant ſpeaker's being leſs cautious of what he ſays, and from his wretchedly ſtraining to magnify things by puffing. One always on the ſcent of the extraordinary, may ſometimes happen to light on ſomething grand; but this is a rare caſe, and cannot compenſate for a multiplicity of other faults.

The illiterate may ſeem too to be more copious, becauſe they ſay every thing that occurs to them; whereas the learned reſtrict themſelves by choice and preciſion.

Add to this that they often loſe ſight of the main point, and take little pains to prove what they advance. They therefore decline the diſcuſſion of ſuch queſtions and arguments, as muſt ſeem cold and nugatory to corrupt judges, their whole aim being to amuſe the ears of the aſſiſtants with the falſe delicacies of their falſer eloquence.

It is likewiſe obſervable, that their ingenious thoughts, the only thing they hunt after, are ſo much

much the more viſible, as every thing about them is flat and abject; as "lights are not ſo reſplendent amidſt ſhades, as Cicero ſays, as in thick darkneſs." Call them, if you will, ingenious; I am ſure the truly eloquent muſt be affronted at the title.

Still it muſt be confeſſed that art, or learning takes ſomething away. A file takes roughneſs from iron, a whetſtone ſharpens blunt tools, and age purges wine of its impurities. In all theſe caſes ſomething is worn away, but it is what was faulty in them; and what ſtudy and knowledge have poliſhed, was only diminiſhed, to become better and more perfect.

Another ſource of fame to the illiterate, and perhaps their greateſt, is their earneſt and vehement manner of delivery. For they roar from the beginning to the end of their ſpeech, and bellow out (ſo they expreſs it themſelves) every thing with high-lifted and expanded arms. The ſtate of real madneſs appears expreſſed in their running to and fro, in their panting, in their toſſing themſelves backwards and forwards, in their geſticulation, and in the ſhaking of their head. Now they clap hands, ſtamp on the ground, ſmite their thigh, breaſt, and forehead. This is the ſort of action that raviſhes the * meaner ſort, and rakes together ſuch multitudes of people. The behaviour of the learned orator is quite the reverſe of all this. As he knows how to keep his diſcourſe

* *Pullatum circulum*, ſo a croud of the common people was called, as wearing black cloaths; for the Roman common people were all clad in a garb of this colour, as appears from Suetonius, in his Life of Auguſtus.

within

within bounds, to diverſify it, to obſerve exact order in it; ſo in his manner of pronunciation he adjuſts his action to the nature of the things he diſcuſſes; and if he aims at any thing deſerving of conſtant obſervance, it is to be, and to appear modeſt.

But they call that force, which is rather violence; and what ſhould appear more aſtoniſhing, is, that you meet, not only with ſome pleaders of cauſes, but (what argues a baſer behaviour) with ſome maſters of eloquence, who, becauſe they have been a little practiſed in the talent of ſpeaking, break through the rules of common ſenſe and decency, and led away by an inſulting capricious humour, treat thoſe who have done the greateſt honour to letters, with the character of trifling, jejune, timorous, and weak orators, or with any other opprobrious appellation that occurs to them.

But we indeed felicitate them on their eloquence, acquired by ſo little expence, without learning, without trouble, without ſtudy. For our part, we ſhall comfort the hours of our retreat, with the amuſement of writing and compiling whatever may hereafter be a benefit to well diſpoſed youth, and a pleaſure to ourſelves. How better can we employ our time, ſince we reſigned the care of teaching and our pleadings at the bar, which we judged proper to lay aſide, when the approbation of the public * authorized us to it.

* Quintilian here ſeems to hint to us the behaviour of Domitius Afer, who, by continuing his pleadings to extreme old age, at length became ridiculous. It was cuſtomary with him to ſay, "He had rather die than leave off." Book xii. c. 11.

CHAP. XIV.

What moderation ought to be kept in the obſervance of precepts.

I. *That the Orator is not to follow the precepts of rhetoric as immutable laws.* II. *That he ought to look to what is becoming and ſuitable.*

I. LET none imagine that the precepts laid down and inculcated by moſt writers on arts, are here impoſed by me on ſtudents of rhetoric, as laws of immutable neceſſity; ſuch are, firſt, the exordium and its conditions; ſecondly, the narration, and the rules it is conducted by; thirdly, the propoſition, or, as ſome will have it, the digreſſion; laſtly, a certain order of queſtions, proofs, and other materials, which ſome ſcrupulouſly obſerve, as if not allowed to do otherwiſe. Rhetoric certainly would be a thing very eaſy, if it could be compriſed in ſo ſmall a number of rules; but theſe rules admit of great alterations, according to the nature of cauſes, times, circumſtances, and neceſſity: ſo that the principal requiſite in an Orator, is judgment, whereby he determines himſelf purſuant to occurrences.

To inform a general, as often as he puts his army in order of battle, firſt to range properly his van, next to diſplay his wings on each ſide, and then to place his cavalry on the right, and on the left; would be the beſt and moſt natural poſition, when it could be uſed. But if a mountain, river, hills, woods, defiles, obſtruct this order, there is a ne-

a neceſſity for altering it. The manner of the enemy's fighting, and circumſtances of the impending danger, will change it. One time, the line of battle muſt preſent a full front; another time, the form of a wedge; here, the corps de reſerve ſhould be drawn up; there the legion; and ſometimes it will not be amiſs to make a feint of retreating. In like manner, to know whether the exordium be neceſſary or ſuperfluous; whether it ought to be long or ſhort; whether the ſpeech ought to be intirely addreſſed to the judges, or ſometimes to others by ſome * figure; whether the narration ought to be conciſe, or diffuſive; divided, or continued; direct, or tranſpoſed; all theſe particulars depend on the nature of the cauſe, and by it they muſt be decided. The ſame may be ſaid of the order of queſtions, which, very often in the ſame controverſy, the contending parties, as they perceive their advantage, begin differently with. Hence, we may conclude, that moſt precepts ought to be regarded, as founded only on utility, and not made binding by any poſitive † law. I will not deny but that it is better in general, to obſerve them; elſe I ſhould not here have taken the trouble of recommending them: but, if the ſame utility adviſes us to the contrary, we muſt follow it, and relinquiſh the authority of all maſters.

II. There is a thing I earneſtly adviſe, and ſhall never ceaſe inculcating it. This is a conſtant at-

* By an apoſtrophe.

† *Rogatio* is any law, and ſo called, becauſe votes were aſked to make it paſs into a law, *quia rogabantur ſuffragia*. *Plebiſcitum* was a reſolution of the commons, and had the force of a law. *Sancta*, i. e. *Sancita*, were decrees.

tention in the orator, to what is becoming and expedient in every cauſe. It is often for the good of the cauſe to change ſome things in the appointed and eſtabliſhed order, and the ſame alſo ſuits the cauſe. In ſtatues, and pieces of painting, we ſee a variety diffuſed through the drapery, the viſage, the attitudes. A figure, in an upright poſition, has few or no charms. The head ſtrait on the ſhoulders, the arms hanging, the feet cloſed together, is all a ſtiff piece of work. Give it a bending, and, as I may ſay, motion; you will ſee it life and ſoul. It is therefore on this account that the poſition of the hands and face, is diverſified a thouſand different ways. Some figures ſeem to dart forward and run; others are in a ſitting, or leaning poſture; ſome are repreſented naked, ſome veiled, and others partly naked, partly covered. What ſo diſtorted, and yet ſo finiſhed, and nicely wrought, as Myro's * quoit-player? Should one find fault with this poſture, as not natural, would he not betray his ignorance, becauſe it is the novelty and difficulty of framing ſuch an attitude of body, that makes it ſo much admired and valued? Of like charms and beauty are rhetorical figures, employed either in thoughts or words. They always preſent a ſort of deviation from that which is direct; and the idea of perfection they ſtrike the mind with, is the reſult of their departing from the beaten road of vulgar expreſſion.

In painting, the whole face appears; but Apelles found out the ſecret of exhibiting the pourtrait

* *Diſcobolos*, is a man throwing a quoit, in the ſtatue of whom, Myro wonderfully expreſſed his forcible and mighty ſtraining to throw it.

of

of Antigonus on one * ſide only, to hide the deformity of his loſt eye. Now, in a diſcourſe, how many things require to be concealed; whether they ought not to be ſhewn; whether they cannot be expreſſed with ſufficient propriety and dignity: ſuch, I fancy, was the device of the Cithnean Timanthes in that celebrated painting, by which he excelled Colos the Teian. For in the ſacrifice of Iphigenia, having repreſented Calchas in grief, Ulyſſes in a greater degree of grief, and Menelaus in the greateſt affliction of ſpirit his art could be expreſſive of; and having thus exhauſted the whole paſſion, and not knowing, in ſuitable colours, how to paint the father's anguiſh, he veiled his head, leaving the ſpectators to judge of what paſſed in the bottom of his heart. Salluſt † has recourſe to a like precaution, where he obſerves: "As to Carthage, I think it better to be ſilent, than to ſay little."

For theſe reaſons, it was always my way never to bind myſelf down to general rules, ſcarce one being found but might in ſome reſpect be invalidated or made void, as we ſhall ſhew more amply elſewhere. In the mean time I would not have our youth imagine themſelves thorough proficients for having ſtudied our common abridgments of rhetoric; nor too ſecure of their knowledge for being acquainted with ſome ſyſtems of univerſal ‡ precepts. The art of ſpeaking requires great la-

* This is what artiſts call painting in profile.

† *In Jugurt.*

‡ He calls thoſe *technicos*, who had treated of the precepts of arts, and had preſcribed univerſal rules, which they ſcrupulouſly adhered to.

bour, conſtant ſtudy, long experience, much practice, conſummate prudence, a ſignal preſence of mind, and acute judgment. However, theſe rules may be as ſo many helps, if they leave us at liberty for excurſions, and not force us to tread in one and the ſame path; for to pretend, under ſuch a reſtriction, to take them for guides, would be to advance as ſlow, as they who attempt walking on ropes. We ſhall therefore proceed, as we ſee neceſſary, by different routes; often quitting the * high road, to take a more compendious one; going round about, if torrents have ſwept away bridges; and paſſing out through a window, if a fire has reached the door. What we have undertaken, is a work of vaſt extent, infinite variety, and, indeed, inexhauſtible, as ſomething new may every day occur. I ſhall, however, endeavour to ſet down whatever has been delivered on the matter, yet make choice of the beſt precepts, changing, adding, and retrenching, as it may ſeem proper.

CHAP. XV.

Diviſion of the whole work.

... RHETORIC will be well divided in my opinion, by treating, firſt of the art; ſecondly, of the artiſt; and thirdly, of the work.

* *Stratum militari labore iter.* The Romans employed their ſoldiery, when they had no other occaſion for their ſervice, in making and often paving their high roads. This they did to prevent the vices of idle life in them, and to inure them to labour. The remains of their high roads, and other monuments of ſingular note, all performed by their military, are to this day the admiration of the curious.

The art, is that which ought to be learned, and this is the ſcience of ſpeaking well. The artiſt, is he who practiſes the art, that is, the Orator, whoſe end is to ſpeak well. The work, is that which is performed by the artiſt, and this is a good diſcourſe. Theſe three are again ſubdivided into other diſtinct particulars; which, as they will have their place in the ſequel, we ſhall now begin with the firſt part.

CHAP. XVI.

After refuting the opinions of others, he teaches that Rhetoric is the ſcience of ſpeaking well; and that its End is to ſpeak well.

FIRST, let us examine what rhetoric is, of which there are diverſe definitions. Conſidered in itſelf, it is reducible to two queſtions, the firſt, regarding the quality of the thing, whether good or bad; the ſecond, the import of the words, by which it is defined. The principal difference of opinions in this reſpect is, that ſome think bad men may be called Orators; whereas others, whoſe ſentiment we chooſe to follow, will have this name, and the art we ſpeak of, attributed intirely to the good.

They, who ſeparate eloquence from the greateſt and moſt deſirable merit in life . . . make the duty of an Orator to conſiſt in perſuading, or in ſpeaking pertinently to perſuade, which a bad man may equally effect. Rhetoric has therefore been commonly defined, 'The power of perſuading.' . . . This opinion originated from Iſocrates, if the work aſcribed to him be really his: not that he intend-

ed to diſhonour his profeſſion, though he gives us a dangerous idea of rhetoric, by calling it the * workmanſhip of perſuaſion. . . We find almoſt the ſame thing in the Gorgias of Plato, but this is the opinion of that rhetorician, and not of Plato. Cicero has written † in many places, that the duty of an orator is to ſpeak in "a manner proper to perſuade;" and in his ‡ books of rhetoric, which undoubtedly he does not approve of himſelf, he makes the end of eloquence to conſiſt in perſuaſion.

But does not money likewiſe perſuade? Is not credit, the authority of the ſpeaker, the dignity of a reſpectable perſon, attended with the ſame effect? Even, without ſpeaking a word, the remembrance of paſt ſervices, the appearance of diſtreſs, a beautiful aſpect, make deep impreſſions on minds, and are deciſive in their favour. Did || Antonius, pleading the cauſe of M. Aquilius, truſt to the force of his reaſons, when he abruptly tore open his garment, and expoſed to view the honourable wounds he received, fighting for his country? This act of his § forced ſtreams of tears from the eyes of the Roman people, who, not able to reſiſt ſo moving a ſpectacle, acquitted the criminal. Sergius Galba eſcaped the ſeverity of the laws, by appearing in court with his own little children, and the ſon of Gallus Sulpitius in his arms: the ſight of ſo many wretched objects melted the judges into compaſſion. This we find equally atteſted by ſome of our hiſtorians, and by

* πιθῦς δημιυργὸν.
‡ De Invent. i. 6.
§ Ver. vii. 31, and 32.
† De Orat. i. 260.
|| De Orat. ii. 195.

a ſpeech

a ſpeech of Cato. What ſhall I ſay of the example of Phryne, whoſe beauty was of more ſervice in her cauſe than all the eloquence of Hyperides; for though his pleading was admirable in her defençe; yet perceiving it without effect, by ſuddenly laying open her tunic, he diſcloſed the naked beauties of her boſom, and made the judges ſenſible ſhe had as many charms for them as others. Now, if all theſe inſtances perſuade, of conſequence perſuaſion cannot be the end of rhetoric.

Some therefore have ſeemed to themſelves rather more exact, who, in the main, of the ſame way of thinking, define rhetoric to be the "power of perſuading by ſpeaking." It is to this, Gorgias, in the book above cited, is at laſt reduced by Socrates. Theodectes does not much differ from them, if the work aſcribed to him be his, or Ariſtotle's, as is ſuppoſed. In this book, the end of rhetoric is ſuppoſed to be "the leading of men wherever one pleaſes by the faculty of ſpeaking." But this definition is not ſufficiently comprehenſive. Many others, beſides the Orator, perſuade by their words, and induce minds to what they pleaſe. This harlots do, and flatterers, and debauchers. On the contrary, an Orator does not always perſuade; ſometimes it is not properly his end, and ſometimes this end is common to him with other quite different perſons. . .

Some therefore, ſetting aſide the conſideration of the end, as * Ariſtotle, have defined rhetoric to be "The power of inventing whatever is perſuaſive in a diſcourſe." This definition is equally

* Lib. i. Rhet.

faulty

faulty with the juſt mentioned; and is likewiſe defective in another reſpect, as including only invention, which ſeparate from elocution, cannot conſtitute a ſpeech. . .

It appears from Plato's Gorgias, that he was far from reputing rhetoric to be an art of ill tendency; but that rather it is, or ought to be, if we were to conceive an adequate idea of it, inſeparable from virtue. This he explains more clearly in his Phædrus, where he ſays, that "the art can never be perfect without an exact knowledge, and ſtrict obſervance of juſtice." I join him in opinion; and if theſe were not his real ſentiments, would he have written an apology for Socrates, and the eulogium of thoſe brave citizens, who loſt their lives in the defence of their country? This is certainly acting the part of an orator; and if in any reſpect he attacks the profeſſion, it is on their account who make an ill uſe of eloquence. Socrates, animated with the ſame ſpirit, thought it unworthy of him to pronounce the ſpeech Lyſias had compoſed for his defence; it having been the cuſtom of the orators of theſe times to write ſpeeches for arraigned criminals, which themſelves pronounced in their defence; and it was ſo, the law that prohibited pleading for another was eluded. Plato likewiſe, in his Phædrus, condemns the maſters that ſeparated rhetoric from juſtice, and preferred probabilities to truth. . .

Such are the definitions of rhetoric, which have been principally agitated; for to go through with all of them, is neither my deſign, nor do I think it poſſible, as moſt writers on arts have ſhewn a perverſe itch for defining nothing the ſame way,

or

or in the terms of others that wrote before them. I am far from being influenced by a like ſpirit of ambition, and far from flattering myſelf with the glory of invention, ſhall reſt contented with that which ſeems moſt rational; as that rhetoric is properly defined "The ſcience of ſpeaking well." Having found what is beſt, to ſeek after ſomething elſe, turns to no good account. Allowing therefore this definition, it will be no difficult matter to aſcertain its end; for if it be "the ſcience of ſpeaking well," conſequently, "to ſpeak well," will be the end it propoſes to itſelf.

CHAP. XVII.

Whether Rhetoric be uſeful.

I. *He refutes whatever has been ſaid againſt Eloquence.* II. *He makes a fine Eulogium of Eloquence.*

I. THE next queſtion is on the utility of rhetoric; and in this point of view, ſome vent the bittereſt invectives againſt it, and what is very unbecoming, exert the force of eloquence againſt eloquence; ſaying, that by it the wicked are reſcued from puniſhment, and the innocent oppreſſed by its artifices; that it perverts good counſel, and enforces bad; that it foments troublés and ſeditions in ſtates; that it arms nations againſt each other, and makes them irreconcileable enemies; and that its power is never more manifeſted, than when error and lies triumph over truth.

Comic * poets reproach Socrates with teaching how to make a bad cauſe good; and Plato repre-

* Ariſtoph. in Nub.

ſents

ſents Lyſias and Gorgias boaſting the ſame thing. To theſe are added ſeveral examples of Greeks and Romans, and a long enumeration made of orators, whoſe eloquence was not only the ruin of private perſons, but even deſtructive to whole cities and republics; and for this reaſon it was, that eloquence was baniſhed Sparta, and ſo reſtricted at Athens, that the orator was not at liberty to move the paſſions.

By granting all this as ſound argument, we muſt be obliged to draw this neceſſary inference, that neither generals of armies, nor magiſtrates, nor medicine, nor philoſophy, will be of any uſe. Flaminius, an imprudent general, loſt one of our armies. The Gracchi, Saturninus, and Glaucia, to raiſe themſelves to dignities, put Rome in an uproar. Phyſicians often adminiſter poiſons; and among philoſophers, ſome have been found guilty of the moſt enormous crimes. Let us not eat of the meats our tables are ſpread with, they have frequently cauſed diſeaſes. Let us never go into houſes; they may fall and cruſh us to death. Let not our ſoldiers be armed with ſwords; a robber may uſe the ſame weapon againſt us. In ſhort, who is ignorant, but that the moſt neceſſary things in life, as air, fire, water, nay even the celeſtial bodies, are ſometimes very prejudicial to our well-being?

II. * But how many examples can be alledged in our favour? Did not Appius, the Blind, by the force of his eloquence, diſſuade the ſenate from

* See alſo a very fine eulogium of eloquence, l. i. De Or. 30. 34, and l. 2.—33.—36.—l. 1. de Inv. 1.—5.

making

making a ſhameful peace with Pyrrhus? Did not Cicero's divine eloquence appear more popular than the Agrarian law he attacked? Did it not diſconcert the audacious meaſures of Cataline? And did not he, even in his civil capacity, obtain by it honours, conferred only on the moſt illuſtrious conquerors? Is it not the Orator that ſpirits up the ſoldier's drooping courage, that animates him amidſt the greateſt dangers, and perſuades him to prefer a glorious death to a life of infamy?

The example of the Romans, among whom eloquence has been always held in the greateſt veneration, ſhall have a more powerful aſcendant in my mind than that of the Spartans and Athenians. It is not to be ſuppoſed, that the founders of cities could have made an embodied people of a vagabond multitude, without the charms of perſuaſive words; nor that lawgivers, without an extraordinary talent of ſpeaking, could have obliged men to bend their necks to the yoke of their laws. Even the precepts of moral life, though graved on our hearts by the finger of nature, are more efficacious to inſpire our hearts with love for them, when their beauty is illuſtrated by the ornaments of eloquent ſpeech. Though the arms of eloquence may equally hurt and benefit, we muſt not therefore look on that as bad, which may be put to a good uſe. Doubts of the kind may well be entertained by ſuch as make "the force perſuaſion the end of eloquence:" we, who conſtitute it "the ſcience of ſpeaking well," reſolved to acknowledge none but the good man an Orator, muſt

muſt naturally judge, that its advantage is very conſiderable.

Certainly, the gracious Author of all beings, and maker of the world, has diſtinguiſhed us in no reſpect more from other animals, than by the gift of ſpeech. They ſurpaſs us in bulk, in ſtrength, in the ſupporting of toils, in ſpeed, and ſtand leſs in need of foreign help. Guided by nature only, they learn ſooner to walk, to ſeek for their food, and to ſwim over rivers. They have on their bodies a ſufficient covering to guard them againſt cold; all of them have their natural weapons of defence; their food lies in a manner on all ſides of them; and we, indigent beings! what anxieties are we not put to for acquiſitions of the kind? But God, a beneficent parent, gave us reaſon for our portion, a gift which makes us partakers of a life of immortality. But this reaſon would be of little uſe to us, and would be greatly embaraſſed to manifeſt itſelf, unleſs we ſignified by words our conceptions. This is what animals want more than thought and underſtanding, of which, it cannot be ſaid, they are intirely deſtitute. For, to make themſelves ſecure and commodious lodges, to interweave their neſts with ſuch art, to rear their young with ſuch care, to teach them to ſhift for themſelves when grown up, to hoard proviſions for the winter, to produce ſuch inimitable works as wax and honey, are inſtances perhaps of a glimmering of reaſon; but becauſe deſtitute of ſpeech, all the extraordinary things they do, cannot diſtinguiſh them from the brute part of the creation. Let us take a view of dumb perſons:

how

how does the heavenly ſoul, informing their bodies, operate in them? We perceive indeed, its help but weak, and its action but languid.

If then the beneficent Creator of the world, has not imparted to us a greater bleſſing than the talent of ſpeaking, what can we eſteem more deſerving of our labour and improvement, and what object is more worthy of our ambition, than that of raiſing ourſelves above men, by the means they raiſe themſelves above beaſts, ſo much the more, as no labour is attended with a more abundant harveſt of glory? To be convinced of this, we need only conſider by what degrees eloquence has been brought to the perfection we now ſee it in, and how far it might ſtill be perfected. For, not to mention the advantage and pleaſure a good man reaps from defending his friends, governing the ſenate by his counſels, ſeeing himſelf the oracle of the people, and maſter of armies; what can be more noble, than by the faculty of ſpeaking and thinking, which is common to all men, to erect for himſelf ſuch a ſtandard of praiſe and glory, as to ſeem to the minds of men, not ſo much to diſcourſe and ſpeak, but, as Pericles, to make his words thunder and lightning.

CHAP.

CHAP. XVIII.

Whether Rhetoric be an Art.

Having refuted what is objected to the contrary, he ſhews Rhetoric to be an Art.

THERE would be no end, were I to expatiate on this matter, and indulge my pleaſure. I ſhall therefore paſs to the following queſtion, "Whether * rhetoric be an art?" Thoſe, who wrote precepts of eloquence, doubted ſo little of its being ſo, that they prefixed no other title to their books than the "art of ſpeaking." Cicero † ſays, that what we call rhetoric, is only an artificial eloquence. If this was an opinion peculiar to Orators, it might be thought, that they intended it as a mark of dignity affixed to their ſtudies; but moſt philoſophers, as well ſtoics as peripatetics, aſſent to what they ſay. I muſt confeſs I had ſome doubt about diſcuſſing this matter, leſt it might ſeem as if I was diffident of its truth; for who can be ſo devoid of ſenſe and knowledge, as to imagine an art in architecture, in weaving, in pottery; and that rhetoric, the excellency of which we have already ſhewn, could arrive at its preſent ſtate of grandeur and perfection, without the direction of art? I am perſuaded, that thoſe of the contrary opinion, were more ſo for the ſake of exerciſing their wit on the ſingularity of the ſubject, than from any real conviction. Such, I muſt

* See l. ii. de Orat. 30, 31, 32.
† I. De Invent. 6.

think,

think, was the humour of * Polycrates, when he wrote panegyrics on Buſiris and Clytemneſtra, and by a like oddity of fancy, is ſaid to have compoſed a diſcourſe pronounced againſt Socrates.

Some maintain that rhetoric is a gift of nature, yet allow, that it may be helped by exerciſe. Antonius, in Cicero's books of the † Orator, calls it a ſort of obſervation and not an art. But this is not there aſſerted as truth, but only to keep up the character of Antonius, who was a connoiſſeur at concealing art. Lyſias ſeems to be of the ſame opinion, which he defends by ſaying, that the moſt ſimple and ignorant poſſeſs a kind of rhetoric when they ſpeak for themſelves. They find ſomething like an exordium, they make a narration, they prove, refute, and their prayers and intreaties have the force of a peroration. Lyſias and his adherents proceed afterwards to vain ſubtilities. "That, what is the effect of an art, ſay they, could not have exiſted before the art: but in all times men knew how to ſpeak for themſelves and againſt others; maſters of rhetoric having been only of a late date, and firſt known about the time of Tiſias and Corax: therefore an oratorial ſpeech was prior to art; conſequently, it could not be the reſult of art; and therefore rhetoric is not an art." We ſhall not endeavour to enquire into the time when rhetoric began to be taught; but this we may ſay,

* Polycrates, an Athenian, was compelled through want to act the ſophiſt in Cyprus. He wrote a panegyric on Buſiris, which was condemned by Iſocrates, who preſcribed for him a manner of better handling his ſubject. Buſiris was a tyrant of Egypt, whoſe brutality and cruelty proceeded to the exceſs of immolating human victims.

† De Orat. ii. 32.

that it is certain, Homer makes mention, not only of Phœnix, who was a maſter, ſkilled both in ſpeaking and fighting, but alſo of many other orators. We may obſerve likewiſe from Homer, that all the parts of a diſcourſe are found in the ſpeech of the three captains deputed to Achilles; that ſeveral young men diſpute for the prize of eloquence; and that among other ornaments of ſculpture on the buckler of Achilles, Vulcan did not forget law-cauſes, and the pleaders of them.

It will, however, be ſufficient to anſwer, "that every thing perfected by art has its ſource in nature." If it was not ſo, we ſhould exclude medicine the catalogue of arts, the diſcovery of which is owing to obſervations made on things conducive or hurtful to health, and, in the opinion of ſome, wholly grounded on experiments. Before it was reduced to an art, tents and bandages were applied to wounds; reſt and abſtinence cured a fever; not that the reaſon of all this was then known, but the nature of the ailment obviated ſuch curative methods, and obliged men to this regimen. In like manner, architecture cannot be an art, the firſt men having built their cottages without its direction. Muſic muſt undergo the ſame fate, as every nation has its peculiarities in dancing and ſinging. Now, if rhetoric be taken for any ſort of ſpeech, I muſt own it prior to art; but if every one that ſpeaks is not an orator, and if in the primitive ages of the world, men did not ſpeak orator-like; of conſequence the orator muſt have been ſo made by art, and therefore could not exiſt before it.

What

What I have ſaid refutes this other objection, "That every thing effected by one's-ſelf, without learning, does not depend on art: but men know how to ſpeak, though they never learned to ſpeak: therefore, &c." This argument is confirmed by the example of Demades and Æſchines, the firſt a waterman, the ſecond a comedian. I anſwer, that no perſon is properly an orator, unleſs he has learned to be ſo; and all that can be alledged concerning * Demades and † Æſchines, will amount to nothing more, than that they applied themſelves rather late to eloquence. Æſchines, it is certain, was in his younger days put to ſtudy the letters his father taught. Of Demades's learning, nothing poſitively is aſſerted, though by the continual exerciſe of ſpeaking, he might become, as he afterwards was reputed, a great orator. There cannot be a more effectual way to learn; and it may be ſaid, he would have been more perfect, had he been aſſiſted by the precepts of art: but, as he never attempted to publiſh any of his ſpeeches, we cannot form a competent judgment of his eloquence. . .

The next objection is not ſo much one in reality, as a mere cavil: viz. "That art never aſſents to falſe opinions, becauſe it cannot be conſtituted as ſuch without precepts, which are always true: but rhetoric aſſents to what is falſe: there-

* Demades, an Athenian orator, was the ſon of a ſeaman, who did not ſend him to learn rhetoric, but brought him up to the buſineſs of a rower, or waterman.

† Æſchines, the ſon of Atrometus, a ſchool-maſter, was firſt a comedian, afterwards a ſcrivener, and laſtly, an orator.

fore it is not an art." I allow, that ſometimes rhetoric ſays falſe things inſtead of true; but it does not follow, that it aſſents to what is falſe. There is a wide difference between aſſenting to a falſehood, and making others aſſent to it. So it is, that a general of an army has often recourſe to ſtratagems: when Annibal perceived himſelf to be blocked up by Fabius, he ordered faggots of bruſh-wood to be faſtened about the horns of ſome oxen, and fire being ſet to them, had the cattle driven up the mountains in the night-time, in order to let the enemy ſee he was upon decamping; but this was only a falſe alarm, for he very well knew himſelf what he was contriving. When Theopompus the Spartan, by changing cloaths with his wife, made his eſcape out of priſon, the deception did not impoſe upon himſelf, but his guards. Thus, when an orator ſpeaks falſehood inſtead of truth, he knows what he is about; he does not give into it himſelf, his intention being to deceive others. When Cicero boaſted that he threw darkneſs on the intellects of the judges, in the cauſe of Cluentius, could it be ſaid he was unacquainted himſelf with all the intricacies that embarraſſed the fact? Or, ſhall a painter, who ſo diſpoſes his objects, that ſome ſeem to project from the canvas, others to ſink in, be ſuppoſed not to know, that they are all drawn on a plane ſurface?

It is again objected, that "every art propoſes to itſelf an end: but rhetoric has no end, or does not put in execution the end it propoſes to itſelf: therefore, &c." This is falſe, as may appear from what has been already ſaid concerning the end of rhetoric, and in what it conſiſts. The

orator

orator will never fail to obtain this end, for he will always ſpeak well. This objection therefore can only affect thoſe, who make perſuaſion the end of rhetoric; but our orator, and our definition of art, are not reſtricted to events. An orator, indeed, ſtrives to gain his cauſe; but ſuppoſe he loſes it, ſo he has pleaded well, he fulfills the injunctions of his art. A pilot is deſirous to come ſafe into port; but if a ſtorm ſweeps away his ſhip, is he therefore a leſs experienced pilot? His keeping conſtantly to the * helm juſtifies ſufficiently he was not wanting to his duty. A phyſician ſtrives to cure a ſick perſon; but if his remedies are obſtructed in their operation, by either the violence of the diſeaſe, the intemperance of the patient, or ſome unforſeen accident, he is not to be blamed, becauſe he has ſatisfied all the directions of his art. So it is with the orator, whoſe end is to ſpeak well; for it is in the act, and not in the effect, that art conſiſts, as I ſhall ſoon make appear: therefore what is ſaid is falſe, "that arts know when they have obtained their end, but that rhetoric knows nothing of the matter;" as if an orator could be ignorant of his ſpeaking well and to the purpoſe.

But it is farther ſaid, that rhetoric, contrary to the cuſtom of all other arts, adopts vice, becauſe it countenances falſehood, and moves the paſſions. Neither of theſe are bad practices, and conſequently not vicious, when grounded on ſubſtantial reaſons. To diſguiſe truth, is ſometimes allowable

* The hemiſtich in the text ſeems to be taken from ſome poet. Some quote it from Ennius. *Dum clavum rectum teneam, navimque gubernem, non ſum culpandus.* ERASM. in Adag.

even in the ſage; and if a judge cannot be brought to do juſtice, but by means of the paſſions, the orator muſt neceſſarily have recourſe to them. Very often the judges appointed to decide, are ignorant, and there is a neceſſity for undeceiving them in their opinions, to keep them from error. Should there be a bench, a tribunal, an aſſembly of wiſe and learned judges, whoſe hearts are inacceſſible to hatred, envy, hope, fear, prejudices, and the impoſitions of falſe witneſſes, there would be little occaſion for the exertions of eloquence, and all that might ſeem requiſite, would be only to amuſe the ear with the harmony of cadence; but if the orator has to deal with light, inconſtant, prejudiced, and corrupt judges, and if many embarraſſments muſt be removed in order to throw light upon truth, artful ſtratagem muſt fight the battle, and ſet all its engines to work: for he that is beaten out of the ſtrait road, cannot get into it again, but by another turn about. . .

Theſe are the principal objections which have been made againſt rhetoric. There are others of leſs moment, but derived from the ſame ſource. That rhetoric is an art is thus briefly demonſtrated. If art, as Cleanthes thinks, is a power which prepares a way and eſtabliſhes an order, can it be doubted, but that we muſt keep to a certain way, and a certain order for ſpeaking well? And if, according to the moſt generally received opinion, we ought to call art, every thing which by a combination of agreeing and co-exerciſed precepts conducts to a uſeful end; have we not already ſhewn that nothing of all this is wanting to rhetoric? Has it not likewiſe the two conſtituent parts of

other

other arts, theory and practice? Again, if dialectic be an art, as it is allowed, by the ſame reaſon, ſo is rhetoric, the chief difference lying not ſo much in the genus as ſpecies. But we muſt not forget this obſervation, that there art muſt be, where a thing is done according to rule, and not at random; and there art muſt be, where he who has learned ſucceeds better than him who has not learned. But in matters of eloquence, not only an ignorant perſon will be ſurpaſſed by a learned, but alſo the learned by the more learned; otherwiſe, we ſhould not have had ſo many precepts, nor ſo many excellent maſters. This is what ought to be acknowledged by all, but more eſpecially by us, who do not ſeparate eloquence from the man of integrity.

CHAP. XIX.

In what claſs of arts rhetoric ought to be placed.

AMONGST the diverſity of arts ſome of them are found to be merely theoretical, that is, grounded on the knowledge and conſideration of their object. Of this kind is aſtronomy, which not proceeding to act, contents itſelf with the contemplation of the thing it has made its ſtudy. Other arts are called practical, as depending on action, and operating upon, completing, and perfecting their object, beſides leaving no ſenſible work behind them, ſuch as dancing. There are others, which may be called effective, their object being the conſummating of ſome ſenſible and permanent work, as painting.

We may partly judge that rhetoric conſiſts in action; for it is by action, in the opinion of all, that it performs its duty. It ſeems to me, however, that it partakes much of the nature of other arts, above defined, becauſe ſometimes it may reſt contented with the contemplation of its object; for there is rhetoric in a ſilent orator; and though he ſhould quit the bar, either of his own accord, or from ſome other motive, ſtill will he be as much the orator, as a phyſician who ceaſes not to be one, though he has left off practiſing. Some, and perhaps the greateſt advantages, are acquired by private ſtudy, as then, indeed, there may be a pure reliſh for learning, when the mind, diſencumbered of the tumultuous hurry of action, is free to examine into its own reſources. Rhetoric may alſo be ſo far deemed effective, as it leaves behind it written diſcourſes and hiſtory; but if it muſt be claſſed with one of the three ſorts of arts, its greateſt and moſt frequent uſe being in action, we ſhall make no difficulty of calling it practical.

CHAP. XX.

Whether art, or nature, contributes more to eloquence.

IT has been alſo controverted, which helps eloquence more, art or nature? Nothing is more certain, that both are neceſſary to form an accompliſhed orator, and therefore this queſtion can have no relation to the deſign of our work. But I think it very neceſſary to know what ought to be meant by

by ſtating the queſtion here. Conſidering theſe two requiſites ſeparate from each other, nature without learning may effect a great deal, but learning cannot ſubſiſt without nature. If they equally concur, and we ſuppoſe them to be only in an indifferent degree, nature will have the aſcendant; but if in an eminent degree, learning. Juſt ſo, a barren piece of ground will mock all hopes from the beſt culture, but a fertile ſpot will of itſelf produce ſomething, and if cultivated, the work of the tiller will contribute more to its fruitfulneſs than its own native goodneſs. If Praxiteles endeavoured to form a ſtatue out of a mill-ſtone, I ſhould prefer it to a piece of marble in the rough; but if he had poliſhed this piece of marble it would be more indebted in point of value to his art, than to the intrinſic goodneſs of the materials. And indeed, nature is the matter, and learning the art; the one forms, the other is formed. Art effects nothing without materials to work upon: materials have their value without art; but the maſter-ſtrokes of art are preferable to the moſt precious materials.

CHAP. XXI.

Whether rhetoric be a virtue.

THE preſent queſtion, of greater weight than the former, is to know whether rhetoric be of thoſe indifferent arts, neither laudable nor reprehenſible in themſelves, and either good or bad according to the uſe made of them; or whether it be a virtue, as ſeems agreeable to the ſentiments of moſt philoſophers?

For

For my part, I muſt confeſs, that far from acknowledging art in the generality of thoſe who make it their buſineſs to ſpeak in public, I ſee nothing but a * privation of art, being perſons of neither reaſon, nor judgment, nor letters, and more acted by impudence or hunger than any laudable motive. In others, it becomes a † pernicious art, ſo far as in all times there have been, and will be perſons, who have, and will employ the talent of ſpeaking to the prejudice of mankind. In others, it appears to be a ‡ vain imitation of art; indeed, neither good nor bad, but nugatory and frivolous, and not unlike the ridiculous occupation of that man, who could pitch at a certain diſtance through the eye of a needle a parcel of peas, one by one, without miſſing his aim. Alexander ſaw him once at this work, and beſtowed on him a buſhel of peas, a preſent worthy of ſo becoming an application. And in this claſs we may rank ſuch as with great ſtudy and labour, ſpend their time in compoſing declamations, which they take care to make as remote from truth as poſſible. That eloquence, however, which we endeavour to form in this work, and of which, as the true rhetoric, and the only ſuitable to the good man, we have conceived the image in our mind, will and muſt be a virtue.

This philoſophers prove by many acute and ſubtile arguments; but we have ſome of our own, which may ſeem more clear and concluſive. If there be a prudence, ſay they, in knowing what ought to be done, and what ought not; by the ſame rea-

* ἀτεχνία. † κακοτεχνία. ‡ ματαιοτεχνία.

ſon,

ſon, there ought to be in knowing what ought to be ſaid, and what ought not: and if there be virtues, without any previous inſtruction, the initials and ſeeds of which we imbibe from nature, as juſtice, of which even peaſants and the moſt ſavage have ſome idea; in like manner, it is manifeſt we are ſo formed from the beginning, as to be able to plead for ourſelves, and if not perfectly, at leaſt to the degree of making known that the ſeeds of that faculty, as I ſaid, are implanted in us; but of this we have no experience in arts incompatible with virtue. As therefore there are two kinds of diſcourſe, the one continued, which is called rhetoric; the other interrupted, called dialectic, which indeed Zeno ſo ſlightly diſtinguiſhed, that he compared the latter to a fiſt, and the former to an open hand; can it be doubted that the more plain and ſpecious is a virtue, when all aſſign that quality to the contentious?

This may appear in a more eminent degree from the works of an orator. How ſhould he acquit himſelf of a panegyric, if he was unacquainted with morality? How ſhould he be capable of giving advice, if he neither knew nor attended to the advantage of thoſe that conſult him? How ſhould he plead cauſes, if he was ignorant of what juſtice required to be done? If he has not courage and conſtancy, how ſhould he ſpeak freely his ſentiments, ſometimes at the hazard of being the victim of a ſeditious people; ſometimes by incurring the hatred of men in power; and even ſometimes, as it happened in the cauſe of Milo, when every thing about him wears the horrid aſpect of armed force? Whence I conclude, that

if rhetoric be not a virtue, eloquence cannot be perfect.

If we conſider as a perfection, the diſtinguiſhing quality of every animal, by which it excells others, as ſtrength in lions, ſpeed in horſes; and if man, as he does in fact, excells all others in reaſon and the faculty of ſpeech; why ſhould we not make eloquence as well as reaſon his ſpecific perfection? This Craſſus aptly illuſtrates in Cicero's books of the Orator, ſaying that "* eloquence is one of the greateſt virtues; and Cicero, in his own character, calls it a virtue, in his letters to Brutus, and in many other places.

But our adverſaries may ſay, that a bad man will make an exordium and narration, and uſe proofs and arguments, all equally good and cogent in their kind. Granted: and ſo alſo a robber will fight ſtoutly, yet fortitude will be a virtue. A vicious ſlave will patiently endure tortures, yet conſtancy will not be deprived of its praiſe. Many do the ſame things, but their motives are different.—What therefore has been ſaid may ſuffice to ſhew that rhetoric is a virtue. As to its utility, it has been already ſpoken of.

CHAP. XXII.

Of the matter of rhetoric, which comprehends all things that may be ſubjects for diſcourſing on.

... MY opinion is, which is not without good authority to ſupport it, that the matter of rhetoric includes all things, that may be ſubjects for being diſcourſed on. Socrates in Plato ſeems to ſay to Gorgias, that it is not of

* De Orat. iii. 55.

words

words but of things that the matter of rhetoric conſiſts; and in Phædrus he ſays plainly, that rhetoric, not reſtrained to judicial and deliberative ſpeeches, takes in alſo moſt private and domeſtic concerns. Hence, it is evident, that ſo Plato himſelf thought. Cicero likewiſe, in a certain place, calls the matter of rhetoric the things which are * ſubjects for it, and determines what theſe things are; but in another place he excepts nothing, as where he ſays †: "The Orator ſeems to be engaged by his profeſſion to ſpeak eloquently on every propoſed ſubject:" and in another ‡: "As the Orator has not a leſs ſcope to take in and enlarge on than the life of man, he ought to be read, intelligent, and converſant in, and ought to examine, diſpute on, and treat of every thing."

Some are diſpleaſed with the latitude we have taken, obſerving that we either aſſign to rhetoric an infinite matter, or one not proper to it; and becauſe of its ſpeaking indiſcriminately on all ſubjects, they are pleaſed to call it a circulating art. I have no intention to quarrel with thoſe opponents. They allow that it ſpeaks of all ſubjects; but deny it to have a proper matter, becauſe manifold. However, though ſo characterized, its object is not the more infinite. Arts leſs conſiderable than ours are not circumſcribed by much narrower bounds. Architecture takes in all the neceſſary implements for building. Engraving, gold, ſil-

* This ſame argument has been amply treated by Cicero in the firſt book of his Orator, from number 45 to 74.

† De Orat. i. 21.

‡ De Orat. iii. 54.

ver,

ver, braſs, iron. Sculpture, wood, ivory, marble, glaſs, gems, metals. A thing therefore may be equally of the object of rhetoric, and of another art. If I aſk a ſtatuary, what his matter is, he may anſwer me, braſs. If I aſk a braſier, what his is, he will anſwer, braſs. But there is a great difference between veſſels and ſtatues. There is a great difference between the medical art, and the arts of academical exerciſes, and of cookery; yet medicine has ſome things common with them, but is not therefore leſs an art.

It is the buſineſs of philoſophy, ſo ſay our antagoniſts, to examine into, and diſcuſs the moral fitneſs of things. This I readily allow. The characters of the philoſopher and the good man, are inſeparable; the acceptation of the words is the ſame: why then muſt it cauſe ſurprize, if the Orator, between whom and the good man I place no diſtinguiſhing mark, ſhould treat of the ſame matter; eſpecially, as having ſhewn in the firſt Book, that philoſophers took poſſeſſion of this part on its being neglected by Orators, which indeed was always the property of rhetoric; ſo that they ſhould rather be thought to have intruded on our province? Dialectic has for its object all the things it undertakes to diſpute upon, ought then rhetoric to ſuffer a limitation, which only differs from it in a more diffuſed ſtyle and manner?

Again, it is objected, that an Orator ought to be ſkilled in all arts, if he is to ſpeak of all. I anſwer this in Cicero's own words. "In my opinion *, ſays he, no one can be thought to have attained to the perfection of Oratory, unleſs he is

* De Orat. i. 20.

learned

learned in all matters of importance, and has a competent knowledge of arts and ſciences." But it is enough for me if he be maſter of his ſubject. He may not be acquainted with every cauſe, or queſtion that is agitated; yet ought he to be capable to ſpeak of them. Of which therefore ſhall he ſpeak? Of thoſe he has learned. In like manner of arts, which are to be ſpoken of, he will acquire a proper information; and when he has got this information, he will be able to ſpeak to the point in debate. What then? Will not an artizan make himſelf better underſtood in what relates to his trade, or a muſician explain better the nature of his ſcience? Yes, certainly, if the Orator is no way intelligent in theſe matters; for a peaſant and an illiterate perſon, will talk more pertinently in their own ſuit, than an Orator who is ignorant of the point to be litigated. But let the Orator have ſome neceſſary inlight, and he will ſpeak better and more to the purpoſe, than the muſician, artizan, or peaſant. It is true, the artizan and muſician may clear up and argue caſes very exactly in regard to their reſpective profeſſions, but will not therefore be Orators, though they may act as ſuch; no more than a man can be reputed a phyſician for binding up a wound, though ſo far he acts the part of one.

But do theſe particulars never become ſubjects of diſcuſſion in the demonſtrative, deliberative, and judicial kinds? When the conſtructing of a * harbour at Oſtia, was ſo often deliberated upon, were not our Orators conſulted about the matter?

* Julius Cæſar deſigned to make this harbour, and it was at length completed by the Emperor Claudius.

Yet

Yet this was the buſineſs of architects. It belongs to phyſicians to examine, whether tumours and livid ſpots on the body, be indications of poiſon, or rather denote crudities from a debility of concoction in the ſtomach. Was an Orator never obliged to enter into the merits of a ſcrutiny of the kind? Whatever regards dimenſions and numbers, is treated of by geometry; but are they never ſubjects of diſcuſſion for Orators? Almoſt every thing in my opinion may be incident to the Orator's duty, may be illuſtrated by the colours of eloquence; and ſhould any thing be ſuppoſed not within its ſphere, it will not be of its object. We therefore make the matter of rhetoric to conſiſt in all the things it may undertake to ſpeak of; and this is what the occurrences of common diſcourſe ſufficiently demonſtrate; for when we have any ſubject to ſpeak on, we generally introduce it by ſome preface, expreſſive of its nature and import. . .

Authors likewiſe, but very few in number, have diſputed concerning the inſtrument of rhetoric. I call an inſtrument that, without which the matter cannot be formed, and wrought into the intended work. This, I apprehend, is not ſo much wanting to the art, as to the artiſt; for ſciences do not ſtand in need of inſtruments, being in themſelves, and ſeparate from action, ſufficiently perfect: ſo that, it is the engraver that muſt have an occaſion for his graving tool, and the painter for his pencil. We therefore refer the examining of this queſtion to the * place where we deſign to ſpeak of the Orator.

* Lib. xi. and xii.

BOOK

BOOK III.

CHAP. I.

I. *He obſerves that this Book is leſs calculated for pleaſure than any of the reſt.* II. *He treats of the different writers on the art of rhetoric, as well Greeks as Romans.*

I. HAVING examined in the ſecond Book, what rhetoric is, and its end; and having ſhewn to the utmoſt of our abilities, that it is an art, and uſeful, and a virtue, and has for its object all the things that may admit of being ſpoken of; we ſhall now ſee what its origin is, what the parts are that compoſe it, and in what manner every thing is to be invented and conducted.

Moſt writers on the art of rhetoric, have treated only certain parts, and of theſe Apollodorus confined himſelf intirely to the judicial kind; but we, for the ſatisfaction of the ſtudious, have made a more ample proviſion of matter. We are, however, not ignorant, that the book we are here entering upon, is embaraſſed by great difficulties on account of the diverſity of opinions; and may alſo be likely to diſguſt the reader by the dryneſs of precepts, of which a naked expoſition ſeems all that is neceſſary.

Hitherto we have endeavoured to embelliſh our work with ſomething agreeable, not for making an oſtentatious ſhew of wit, as for that purpoſe we could have choſen a more copious matter; but in order that young perſons, induced by ſome

pleaſure in reading, might the eaſier receive the inſtruction we judged neceſſary for helping their ſtudies; which, if it had been conceived in a dry hungry manner, there was reaſon to fear it would beget loathing in their minds, and grate with harſhneſs on their delicate ears. In a ſimilar view, Lucretius ſays, he delivered the precepts of philoſophy in verſe, and therefore uſes this familiar compariſon.

Nam veluti pueris abſinthia tetra medentes
Cum dare conantur, prius oras pocula circum
Contingunt mellis dulci, flavoque liquore.

Phyſician-like, who when a bitter draught
Of wormwood, is diſguſted by a child;
To cheat his taſte, he brims the nauſeous cup
With the ſweet lure of honey. ——

And indeed, I am apprehenſive, that this Book may ſeem to have little honey in it, and a good deal of wormwood; that is, may be more ſalubrious than ſweet to ſtudies.

I alſo fear, that it will not be ſo favourably received, becauſe the better part of the precepts it contains, are not of my invention, but ſuch as have been delivered by others. It may meet too with opponents, and ſome of different opinions, becauſe moſt authors, though they had the ſame aim in view, took to different ways, and each was not without his followers. Theſe likewiſe approve of the route they entered upon, whatever it be; and we find it no eaſy matter to alter a perſuaſion imbibed in early youth, becauſe there is ſcarce one but would rather retain what he has learned than

learn a-new. It will therefore appear from the ſequel, that opinions became vaſtly multiplied, and this chiefly owing, firſt to an itch in authors for retouching and poliſhing what was left rough and imperfect by others; and ſecondly, that they might ſeem to have added ſomething of their own, to the many alterations they made, even in what was right.

II. Next to thoſe mentioned by poets, Empedocles is ſaid to be the firſt who had any notion of rhetoric. Corax and Tiſias, both Sicilians, were the firſt who wrote rules upon it. They were ſucceeded by their countryman, Gorgias of Leontium, ſuppoſed to be a diſciple of Empedocles. This perſon, by the advantage of a long life, (for he lived to an hundred and nine years) flouriſhed in the times of ſeveral famous rhetoricians, having outlived Socrates, and been a rival in fame to thoſe juſt mentioned. After him appeared Thraſymachus the Chalcedonian, and Prodicus of Ceos, and Protagoras the Abderite, to whom Evathlus is ſaid to have paid * ten thouſand Denarii for teaching him the rhetoric, of which he publiſhed a treatiſe. To theſe are added, Hippias of Elis; Alcidamus of Eleas, called by Plato Palamedes; and Antiphon, who compoſed the firſt judicial harangue, wrote rules for this new manner of compoſition, and had the reputation of pleading extremely well in his own defence. Polycrates alſo, whom we already mentioned to have written an oration againſt Socrates; and Theodorus of Byzantium, who was one of thoſe called by Plato

* About 250l. ſterling of our money.

'nice * architects of words.' Of the above enumerated, the firſt ſaid to have treated common places, were Protagoras, Gorgias, Prodicus, and Traſymachus. Cicero, in his † Brutus, ſays, that nothing had been written with the beauties of eloquence before the time of Pericles, ſome of whoſe pieces are ſaid to be extant. For my part, I ſee nothing in them worthy of the reputation of ſo great an Orator; and therefore am the leſs ſurpriſed in finding ſome of opinion, that he never wrote any thing, and that the works aſcribed to him, have been compoſed by others.

Theſe were ſucceeded by a good many, but the moſt famous was Iſocrates, a diſciple of Gorgias. We believe him to be ſuch on the teſtimony of Ariſtotle, though it is doubted who his maſter was. Then began different ſects of rhetoricians. Iſocrates had ſcholars, who excelled in all kinds of ſciences; but when he grew old, for he was full ninety-eight years of age when he died, Ariſtotle kept a ‡ rhetorick-ſchool in the afternoon, and was heard often to repeat on the occaſion, a ‖ verſe of the tragedy of Philoctetes, intimating, that

* λογοδαιδαλους, they who are over ſollicitous in poliſhing their diſcourſes, or over ſtudious in point of elegance.

† N. 27.

‡ This Cicero gives a good account of, l. iii. de Orat. n. 141. He calls ſchools, diſſertations, diſputations, and inſtructions. The Greeks called ſchools, not ſo much places reſorted to for learning, as diſputations, lectures, and the like, as appears from Tuſc. i. n. 7.

‖ Αἰσχρον σιωπᾶν, κ᾽ Ισοκράτην ἰᾶν λεγειν. Moſt commentators are miſtaken in ſuppoſing this verſe to be in the Philoctetes of Sophocles. In that tragedy, whoever was the author of it, Philoctetes ſays, "it was ſhameful for him to be ſilent and let barbarians ſpeak;" Αἰσχρον σιωπᾶν, βαρβαρους δ᾽ ἰᾶν λεγειν. Ariſtotle applied it to Iſocrates, but in another ſenſe.

"it was a ſhame to be ſilent and ſuffer Iſocrates to ſpeak." They two were the firſt that reduced rhetoric to an art, and Ariſtotle wrote many books on the ſubject. Theodectes was their contemporary, whoſe work has been already mentioned. Theophraſtus, a diſciple of Ariſtotle, wrote alſo very accurately on rhetoric; and hence it was that philoſophers ſhewed a greater paſſion than rhetoricians, to diſcuſs and elucidate theſe matters, eſpecially the Stoics and Peripatetics. Hermagoras afterwards cut out, as it were, a new road for himſelf; he had many followers, but Athenæus ſeems to have copied him beſt. Some time after appeared Apollonius Molon, Areus, Cæcilius, and Dionyſius of Halicarnaſſus, who all diſtinguiſhed themſelves by writing ſeveral learned tracts. But the two moſt celebrated, and noted for the greateſt number of diſciples, were Apollodorus of Pergamus, the preceptor of Cæſar Auguſtus at Apollonia; and Theodorus of Gadara, who choſe to call himſelf a Rhodian. Tiberius Cæſar is ſaid to have attended diligently to his lectures during the time of his retreat in that iſland. Theſe two rhetoricians held very different opinions, whence their diſciples, after the manner of philoſophic ſects, were ſtyled Apollodoreans and Theodoreans. Apollodorus's precepts are beſt known from the collection his diſciples made of them. Caius Valgius has given them very exact in Latin, and Atticus in Greek. Himſelf left only behind him a ſmall treatiſe of rhetoric, which he dedicates to Matius, and diſowns all other pieces in his letter to Domitius. Theodorus wrote more than he did,

and ſome now living, had ſeen his diſciple Hermagoras.

The firſt of the Romans, as well as I could learn, that compoſed ſomething in this way, was Cato the Cenſor. Next to him, Marcus Antonius wrote a treatiſe of eloquence; it is the only work we have of his, and that ſame imperfect. After them we had many writers of leſs repute, whom I ſhall mention, when occaſion requires. But Cicero, the ornament of eloquence, was incomparable in all reſpects, either in quality of Orator or rhetorician; and it would be modeſty in us to be ſilent after ſo great a maſter, did not himſelf inform us, that his books of rhetoric had ſlipped, as it were, out of his hands, when he was but young. We have his books of the Orator, which are admirable; but the precepts regarding the Orator's firſt inſtitution, much wanting to ſeveral, have been by him deſignedly omitted. Cornificius wrote not a few things on the ſame ſubject. Stertinius, and Gallio, the father, wrote alſo ſomething. Celſus and Lenas, though more ancient than Gallio, were more accurate. Of our age, were Virginius, Pliny, and Rutilius, remarkable for a like degree of accuracy. At preſent too, may be reckoned ſeveral illuſtrious authors on the ſame ſubject; who, if they had embraced all things, would have eaſed me in this taſk. As they are yet living, I ſhall not name them; their praiſe will come in its due time; for true glory will live in the boſom of poſterity, and then it is that the ſhafts of envy will be ineffectual.

The reſpect, however, I have for ſo many and ſuch eminent authors, ſhall not deter me from giving

giving ſometimes my own opinion. Not being ſcrupulouſly devoted to any particular ſect, I thought it neceſſary to muſter together a plenty, that the reader might have wherewithal to chuſe, and to chuſe as he pleaſes: and, as I here make a digeſt of the inventions of many, I ſhall, wherever no room is left for diſplaying wit, content myſelf with having deſerved the praiſe that is due to an exact writer.

CHAP. II.

What the origin of rhetoric is.

Nature furniſhed the initials of ſpeaking: obſervation the initials of art.

THE queſtion concerning the origin of rhetoric ſhall not detain us long; for who can doubt of its being nature, the parent of all things, which had taught men firſt to ſpeak? No other origin can be aſſigned. The common good improved afterwards and enlarged the faculty of ſpeaking, and reflection and practice brought it to perfection. I cannot conceive how ſome imagine that the care of well ſpeaking had its beginning from thoſe, whom the danger of being hurt by unjuſt accuſations, made eloquent in their own defence. This perhaps is the more plauſible, but not the firſt cauſe; for accuſation is prior to defence, unleſs one ſhould ſay that arms were rather firſt fabricated for ſelf-preſervation, than for attacking others.

The beginning then of ſpeaking had its ſource in nature, and the beginning of art in obſervation: for, as men from their obſervation of wholeſome and unwholeſome qualities in things, formed medicine into an art; ſo likewiſe, when in ſpeaking they diſcovered many uſeful and uſeleſs things, the firſt to imitate, the ſecond to avoid; other things were added according to their analogy, all were made authentic by uſe, every one taught what he knew, and thus the art of ſpeaking was inſenſibly formed. Cicero attributes its * origin to lawgivers and founders of cities, who indeed, muſt have had an occaſion for great powers of eloquence in order to effect their deſigns; but I cannot ſee how this could be its primary origin, becauſe many nations ſtill exiſt without fixt abodes, cities, and laws; and yet all of them have equally with us their deputies and ambaſſadors; they accuſe and defend; and ſome among them are ſuppoſed to have ſuperior talents to others in ſpeaking.

CHAP. III.

That there are five parts of rhetoric.

THE whole art of oratory, as we find it delivered by the generality of the greateſt maſters, conſiſts of theſe five parts: invention, diſpoſition, elocution, memory, pronunciation or action. Now every coherent texture of ſpeech, enounced with an intention of ſignifying, muſt neceſſarily expreſs things by the means of words.

* Lib. i. de Invent. n. 2 and 3. and l. i. de Orat. n. 33.

If

If ſhort, and comprehending only a ſingle propoſition, it will perhaps require nothing more, if longer, it will. For we muſt not only know what ought to be ſaid, and how it ought to be ſaid, but alſo in what place it ought to be ſaid, which makes diſpoſition; and we cannot ſay all things the ſubject requires, nor every thing in its proper place, unleſs aſſiſted by memory, which will therefore hold the fourth place; and if pronunciation be faulty, either in voice or geſture, it ſpoils all: conſequently it muſt poſſeſs the fifth place. . .

CHAP. IV.

That there are three kinds of cauſes.

IT has been propoſed as a doubt, whether there are three only, or more kinds of cauſes. The greateſt writers of antiquity have acknowledged but three, in this following the judgment of Ariſtotle, who gives only another * name to the deliberative kind, in order to adapt his ideas to the democratic form of government then eſtabliſhed at Athens. . . The ſureſt way is undoubtedly to follow the general and received opinion of authors, which alſo ſeems to be the moſt rational. There is therefore a kind, allotted for praiſe and diſpraiſe; but it derives its name from the more noble of theſe two functions, panegyric, called by others demonſtrative. . . The ſecond, is the deliberative kind; the third, the judicial. All ſpecies whatever are included in theſe three kinds, and there is

* δημηγορητικον, concionalem, the kind that was uſed in the aſſemblies of the people.

not

not one of them but propoſes to praiſe or diſpraiſe, to perſuade or diſſuade, to accuſe or defend. . .

There is another diviſion, rather ſpecious in appearance than true in fact, which aſſigns what is honeſt to the demonſtrative, what is uſeful to the deliberative, and what is juſt to the judicial. But all three ſubſiſt by the help they give each other. Juſtice and utility are diſcuſſed in ſubjects of praiſe; honeſty in ſubjects of counſel; and ſcarce a judicial cauſe occurs without containing one or other of the things above mentioned.

CHAP. V.

I. *That there are three duties of an orator.* II. *That queſtions are indefinite or finite.*

I. EVERY diſcourſe conſiſts of what ſignifies or what is ſignified, that is of things and words. The faculty of making a diſcourſe is accompliſhed by nature, art, and exerciſe; ſome add imitation, but I do not ſeparate it from art. There are alſo three * things, as duties incumbent on the orator to perform, and theſe are, to inſtruct, to move, and to pleaſe. . But all of them do not equally ſuit the ſubject, ſome things not being ſuſceptible of paſſions, though where ever they find admittance they are productive of wonderful effects. . .

II. Authors are agreed † that queſtions are either indefinite or finite. Indefinite abſtract from

* See Cic. l. iii. de Or. 115, 128, 129.
† See l. ii. de Orat. 133.

perſons,

perſons, times, places, and like circumſtances, and are argued pro and con. The Greeks call them theſes; Cicero, propoſitions. . . Finite include the conſideration of things, perſons, times, and other circumſtances. They are called by the Greeks hypotheſes, and by us cauſes; and the queſtion in all of them ſeems reſtricted to things and perſons. The indefinite is always more extenſive, for the finite proceeds from it: for example, "Whether a wife ought to be married?" is an indefinite queſtion; "Whether a wife ought to be married by Cato?" a finite. . .

Every particular queſtion denotes or includes a general, prior to it; and, for aught I know, there is ſomething general in cauſes, when any thing relating to quality belongs to the queſtion. Milo killed Clodius, and killed him juſtly, becauſe Clodius lay in wait for him, and attempted his life. The queſtion then muſt be, "Whether it is not lawful to kill a man, who attempts our life?" . . .

Moreover, in queſtions referred to a perſon, as it is not enough to treat the queſtion in general, ſo we cannot come to the ſpecies, unleſs by firſt diſcuſſing and conſidering the queſtion in general. For how ſhall Cato deliberate whether he ought to marry a wife, unleſs he perceives ſome utility annexed to the marrying of one; and how ſhall he marry Martia, unleſs perſuaded that he ought to marry? . . .

CHAP.

CHAP. VI.

That there is a three-fold ſtate.

. . . THE * ſtate of the cauſe is that which the orator propoſes chiefly to himſelf to obtain, and which the judge underſtands he muſt particularly examine into; for on this the cauſe is built. . * .

Moſt authors have diſtinguiſhed three general ſtates; of † conjecture, definition, and quality. This is the diviſion Cicero adopts in his books of the Orator, and thinks every matter of debate and contention may regard, " Whether the thing is, what it is, and of what ſort it is? . . * .

Now, ſhould my opinion be enquired into, I muſt confeſs that it is ſomewhat different from that I was of formerly; and perhaps it might be more to my credit to maintain to the laſt, what I not only approved of, but taught alſo for many years. But I would have nothing reproached me in a work of this kind, wherein I have nothing more at heart than being uſeful to well diſpoſed youth. Hippocrates, ſo famed for his ſuperior knowledge of the medical art, made no difficulty of ingenuouſly

* Of the threefold ſtate, ſee Cicer. l. ii. de Orat. 104, 114.

† The ſtate of a cauſe is therefore threefold: conjectural, in which the queſtion is, and ought to be conſidered, whether the thing be done: as in the oration for Cælius, the queſtion is, whether Cælius prepared poiſon for Clodia. Of quality, in which the queſtion is concerning the ſort of thing that has been done, as in the oration for Milo, whether his act of killing Clodius was lawful or unlawful. Definitive, wherein the queſtion requires the fact to be defined; as in the oration for Plancius, whether the largeſs of money by him, could be termed bribery.

confeſſing

confeſſing ſome of his * miſtakes, that poſterity might not fall into the ſame. Cicero made no ſcruple of condemning ſome of the books he had publiſhed, in others afterwards written by him, as his † Catulus, and Lucullus, and his books of rhetoric, which I above mentioned. And indeed, there would be no occaſion for farther labour in ſtudy, if it was not permitted to invent any thing better than our firſt thoughts. However, the precepts I then inculcated will not be uſeleſs; for what I now ſay will tend to the ſame end, and ſo no perſon may regret having learned. All I endeavour at, is to make a more exact collection of the ſame things, and to diſpoſe them in better order; and I would have every one know, that what I here earneſtly recommend to others, I am thoroughly convinced of in point of truth myſelf. . * .

Let us therefore believe thoſe, to whoſe authority even Cicero has ſubmitted, acknowledging, that three queſtions only can ariſe in all manner of controverſies; as, "Whether a thing be, what it is, and of what ſort it is?" This nature herſelf teaches us; for firſt we conceive that our doubts muſt have ſome object, and we cannot form a judgment on the nature of this object and its quality, unleſs we previouſly are aſſured that it exiſts.

* Hippocrates, in the cure of a perſon, who had been ſtruck by a ſtone on the head, writes that he fell into an error, by not attending to the ſutures of the ſkull. Celſus takes notice of this in his eighth book, chap. iv.

† The two firſt books he wrote of Academic Queſtions. Afterwards, he wrote four, which he dedicated to Varro and Atticus. See book thirteenth of his Epiſt. to Atticus, eſpecially the Epiſt. xii. and xiii. and book i. de Orat. n 5.

This

This therefore will be the firſt queſtion. But to be certain of its exiſtence, does not argue that we know what it is. This too cleared up, nothing more remains but quality, beyond which there is nothing. . * .

Now, as I divided all cauſes into three kinds, I ſhall follow the preſcribed order.

CHAP. VII.

Of the demonſtrative kind.

I. *Among the Romans this kind alſo is adopted in buſineſs.* II. *The praiſe of Gods.* III. *The praiſe of men and their diſpraiſe. It is of ſome concern where every one is praiſed.* IV. *The praiſe of cities and places.*

I. I Shall begin with the kind that is calculated for praiſe and diſpraiſe. Ariſtotle, and Theophraſtus who was of his opinion, ſeem to exclude it all civil affairs, and reſtrain its functions to the exciting of pleaſure in an auditory, becauſe this is all that can naturally be expected from the ſhew and oſtentation, whence it borrows its name. But the Roman uſages and cuſtoms have given it a place in the tranſactions of civil life; for funeral orations are duties frequently annexed to ſome public office, the pronouncing of them being often given in charge to our magiſtrates by a decree of the ſenate; and to commend or depreciate the character of a witneſs is of ſome moment in trials. Perſons alſo, cited in juſtice, are allowed to retain their panegyriſts; and the defamatory memorials

publiſhed

publiſhed againſt thoſe who ſtand in competition with each other, as againſt Piſo, Clodius, and Curio, have been ſometimes of weight with the ſenate to repute them as verdicts in their disfavour. I do not deny, but that in this kind, ſome diſcourſes are intirely calculated for oſtentation, ſuch particularly as are compoſed in honour of the Gods, or the illuſtrious men of paſt ages. . .

Now, as praiſe in civil matters requires to be proved, ſo alſo praiſe in matters of oſtentation requires an appearance of proof: whoever would aſſert that Romulus was the ſon of the god Mars, and was miraculouſly nurſed by a ſhe-wolf, might uſe the following arguments as a proof of his divine origin: firſt, that caſt into a river, he could not be ſuffocated by the waters; ſecondly, that in all his actions he exhibited himſelf the worthy offſpring of the god of war; and thirdly, that his cotemporaries made no doubt of his being received into heaven. The orator may alſo palliate certain blemiſhes that ſully the fame of heroes, as in making the eulogium of Hercules, he may contrive ſome means to excuſe his exchanging his garb for the ſoft dreſs of the queen of Lydia, and his debaſing his manly character, by complying with the ignominous taſk of ſpinning.

It is the property of praiſe to amplify and adorn things, eſpecially gods and men, and ſometimes animate and inanimate beings.

II. In regard to gods in general, we firſt reſpect the majeſty of their nature; next, deſcending to particulars, we may paſs encomiums on their power, their inventions, and the ſeveral advantages in life they have introduced amongſt men.

Power

Power is diſplayed, as in Jupiter, by his governing mankind; in Mars, by his preſiding over war; in Neptune, by his ruling the ocean. Inventions are commended, as of arts, in Minerva; of letters, in Mercury; of medicine, in Apollo; of corn, in Ceres; of wine, in Bacchus. If antiquity has tranſmitted to us any of their illuſtrious actions, we duly commemorate them. Parentage alſo is an additional honour to the gods, as in being the ſon of Jupiter; and ſo is antiquity, when any of them immediately derive from Chaos. Children too are an honour to their parents, as Apollo and Diana to Latona. In ſome, immortality is the ornament of their birth; in others, the reward of their virtue, which we obſerve to the glory of our age, in the perſon of our good and gracious * prince.

III. The praiſe of men has more variety in it, and is firſt diſtinguiſhed by the time that preceded their birth, the time of their life, and what happened after their death. Country, parents, anceſtors, preceded their birth, which may be conſidered two ways: if noble, they have equalled the glory of their progenitors; if otherwiſe, they have dignified the obſcurity of their birth by the luſtre of their actions. Other particulars may alſo be enumerated, eſpecially preſages, if any, of fu-

* This is an impious piece of adulation. Domitian had commanded that he ſhould be ſtyled a god; but was a monſter of infamy for cruelty, luſt, and all manner of vice. I know not, ſays the learned Burmann, but that the word "pietas" rather puts us in mind of Quintilian's having in view the temple of the Flavian family, which Domitian had procured to be conſecrated in honour of his father Veſpaſian, and brother Titus, as new gods, of which we find ſome in Suetonius's Life of Domitian.

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ture grandeur, as of the ſon of Thetis, who, as the oracle declared, was to be greater than his father.

Perſonal encomiums are deducible from the qualities of the mind, body, and external advantages. The latter are the leaſt conſiderable, and are ſpoken of differently according as the party is more or leſs accompliſhed with them. One time, the comely form and ſtrength of the hero are expatiated upon, as Homer does in regard to Agamemnon and Achilles: another time, the weak frame of the body raiſes our admiration; ſo the ſame poet repreſents Tydeus, diminutive in ſize, but a gallant ſoldier. The ſame may be ſaid of the goods of fortune, for if on one ſide they exalt merit, as in kings and princes, who, as more powerful than other men, have more abundant means of ſhewing their goodneſs of heart; ſo, on the other ſide, the more one is deſtitute of theſe helps, the brighter is the luſtre of pure and genuine virtue. But all extrinſic and fortuitous goods do not render man praiſe-worthy for poſſeſſing them, but for the good uſe he makes of them; for riches, power, and intereſt, by placing us in a condition of life, which affords great opportunities for exertions of vice or virtue, make the ſureſt trial of our morals, and always exhibit us as worſe or better.

The goods of the mind are always truly laudable. This is a copious ſubject, and the orator has a variety of reſources for diſplaying his talents. He may follow the order of time and actions, and in the firſt years commend the genius and good diſpoſition; next he may paſs to education and ac-

quired ſciences, and afterwards to the conſiſtent tenour of life in words and actions. To treat his ſubject in a different manner, he may reduce all to certain virtues, as fortitude, juſtice, temperance, aſſigning to each how far their votary has produced a copy of them in his life. It is the ſubject that muſt determine the better of theſe two ways; and the more a thing is ſingular, the greater will be the pleaſure of the auditory; for undoubtedly great muſt be their admiration when they hear, that this was the only man, or the firſt that did ſo; or that very few can ſhare the glory with him; or that he exceeded expectation; or that in what he engaged and accompliſhed, he ſhewed a true diſintereſted ſpirit.

As to the time, ſubſequent to the death of a man, it does not always happen to be treated of; becauſe, not only we ſometimes praiſe them whilſt ſtill living, but alſo have but few examples of men, in honour of whom decrees of deification have paſſed, as ſtatues have been erected to perpetuate their memories. Amongſt theſe may be ranked the monuments of genius, as ſuch books and writings as have ſtood the teſt of many ages; for ſome authors, as Menander, have found the judgment of poſterity more favourable than that of their own age.

Children are an honour to their parents, cities to their founders, laws to their givers, arts to their inventors, and inſtitutes to their authors; as our religious ceremonies revive the memory of the pious Numa, and the faſces, ſubmitted to the authority of the Roman people, for ever endear to them the name of Publicola.

The ſame order may be kept to in diſpraiſe, but with a variation in the colouring; for if the meanneſs of birth be a diſgrace to ſome, ſo alſo is nobility of birth to many, whoſe vices it makes more conſpicuous and brands with deeper infamy. Predictions gave ſufficient warning of the calamities Paris was to bring upon his country. Therſites, ugly and miſhapen, as Homer paints him, becomes the laughing-ſtock of the Greeks. Nireus a coward, and Pliſthenes a debauchee, ſhew us that a graceful form without virtue ingenerates contempt. A mind may be as remarkable for vicious as virtuous qualities, and theſe may be treated both ways as directed for oppoſite ſubjects of praiſe. Infamy has reached ſome, even beyond the grave, as * Melius, whoſe houſe was levelled with the ground. The ſurname Marcus was for ever obliterated in the family of Manlius. We hate alſo the parents of vicious perſons; and ſome to their reproach have founded cities, by muſtering together a people, deteſted by other nations, as the firſt † author of the Jewiſh ſuperſtitions; and others have enacted laws, but execrated, as thoſe of the Gracchi. . . As to the living, the judgment of the public, muſt be the rule of our eſteem; and the good or bad reputation they have

* See in Livy the hiſtory of Melius, l. iv. n. 16. and of Manlius, l. vi. n. 24.

† Some underſtand this paſſage of the Jews, whoſe religion the Romans hated. Alciatus, however, thinks it applicable to the Chriſtians, to whoſe religion the Romans gave the name of Jewiſh ſuperſtition, becauſe Chriſtianity came from the Jews. So alſo the lawyers were accuſtomed to call it, and in Quintilian's time, a perſecution, by Domitian's orders, took place againſt the Chriſtians.

acquired, will be a ſufficient ſanction for our praiſe or diſpraiſe.

Ariſtotle * thinks that ſome conſideration ought to be had of the place wherein, and the perſons before whom we ſpeak on ſubjects of praiſe and diſpraiſe. For it is of ſingular conſequence to be acquainted with the diſpoſition of the auditors, to know their real ſentiments of the matter, their prejudices, and the bent of their morals, that the virtues on which are grounded the perſon's eulogium, may create in them pleaſure, as knowing them to be ſuch, or his vices diſguſt. The orator muſt likewiſe always remember to pay ſome compliment to his † auditory. This will incline them to a more favourable reception of what he ſays; but his compliments muſt naturally fall in with the ſubject, and have in view whatever is uſeful in it. At Sparta, ſciences and the love of letters will ſtand lower in eſtimation than at Athens; but in requital, bravery and patience will receive greater applauſe. To live upon plunder is reputed honourable among ſome nations, whilſt others pride themſelves for ſtrictly obſerving the laws of civil polity. Notions of frugality might perhaps be

* Rhet. i. c. 9.

† *Ipſorum* in the Latin text, ſcilicet *audientium*, which word Rollin ſays, is read as a marginal note in one of the manuſcripts he had peruſed. That manuſcript makes no mention of the word *Judicum*, found in ſome printed editions; and nothing here occurs relating to judges, nor is any mention made of them by Ariſtotle, in the paſſage here cited, viz. l. i. Rhet. c. 9, But the ſame l. iii. c. 14. towards the end, where he treats of the exordium, manifeſtly adviſes inſerting the praiſe of the auditor in the demonſtrative kind. Whence, from what follows a little lower down, ſome fault may be ſuſpected to have crept in. where is read: *maxime favet judex, qui ſibi dicentem aſſentiri putat.*

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abominated by the Sybarites, whilſt luxury would be deemed a heinous crime by the old Romans. A like difference is to be attended to in regard to the diſpoſition of any particular perſon, who may reliſh but indifferently what the orator ſays, unleſs he ſeems to correſpond with his way of thinking.

Ariſtotle adds another precept, of which Cornelius Celſus, by overſtraining it, ſeems to have perverted the uſe. This is, from the proximity of vice and virtue, to qualify them ſo as to diſguiſe the real light they would otherwiſe appear in. Thus raſhneſs may be made to paſs for valour, prodigality for liberality, avarice for frugality, and vice verſa. But the orator, I mean the good man, will never do this, unleſs from cogent motives of public utility.

IV. Cities have their praiſe, as well as men. The founder of them is looked upon as a father; their antiquity renders them very conſiderable; for which reaſon we ſee * people who boaſt themſelves as ancient as that tract of the earth they inhabit, and are confident of having preſerved traditionary accounts of all their tranſactions, whether virtuous or vicious. Theſe conſiderations are for cities in general; but there are ſome peculiar to them, deduced from their ſituation, their fortifications, their citizens, whoſe glory makes that of the ſtate, as the glory of children reflects on their parents. There is a praiſe likewiſe annexed to public edifices, whether their magnificence, utility, beauty, or their builder is celebrated; as magnificence in temples, utility and ſafety in walls and ramparts,

* Indigenæ, i. e. inde geniti, et in eodem loco nati.

a beautiful and noble ſtyle in both, and all heightened by the reputation of the founder. Certain places are alſo the theme of praiſe, ſuch is Sicily, as repreſented in that elegant deſcription of * Cicero. Their beauty and advantage are principally conſidered: beauty in harbours, plains, and pleaſant groves and meadows: advantage, in the wholeſomeneſs of the air, fruitfulneſs of the ſoil, and the like. The praiſe of all words and actions is general: in ſhort, what is not praiſed? Phyſicians have made the eulogium of certain aliments; ſleep too and death have had their panegyriſts. As therefore I would not allow this demonſtrative kind to be confined entirely to queſtions relating to what is honeſt; ſo I believe it ought to be comprized in quality; though in it all the three ſtates may unite, which Cicero obſerved in Cæſar, who uſed them in all his harangues againſt Cato. And indeed, we may ſay that this kind bears ſome relation to the deliberative, becauſe the ſame things praiſed in the one, are enforced by perſuaſion in the other.

* Verr. iv. 2. &c.

CHAP.

CHAP. VIII.

Of the deliberative kind.

I. *That utility alone is not ſought for in it.* II. *Of its exordium and narration.* III. *That three things are to be attended to in counſelling*; 1. *What it is that is deliberated upon. But the parts of counſelling are what is honeſt, uſeful, poſſible, and he rejects what is neceſſary.* 2. *Who thoſe are that deliberate. And here he informs us, how with propriety the vicious may be adviſed to purſue what is honeſt, and the virtuous what in ſome meaſure may be thought unſeemly.* 3. *Who it is that counſels.* IV. *Of proſopopœias, or declamations in the deliberative kind.* V. *What ſort of eloquence ſuits beſt deliberative harangues.*

I. I AM ſurpriſed how ſome authors could have circumſcribed the * deliberative kind by utility alone. If there was a neceſſity of reducing it to one only object, I ſhould chuſe to follow the opinion of † Cicero, who made this matter to conſiſt chiefly in dignity. However, as I make no doubt that theſe authors, according to the ſpecious maxim of Stoics, acknowledge "nothing uſeful but what is honeſt," I would willingly allow the truth of their aſſertion, were we always to deliberate in concert with wiſe and virtuous men; but unhappily it is our fate to talk before a people

* On the deliberative kind, ſee Cic. l. ii. de Orat. 333—340. In Partit. 83—97.

† Orat. ii. 334.

generally ſpeaking ignorant, to whoſe intellects, it being their duty to decide theſe matters as judges, we muſt adapt our words and ideas. There are, indeed, many, who do not think ſome things ſufficiently uſeful, which they believe to be honeſt; and other things, which they cannot doubt of being baſe, they approve of as recommended by an appearance of utility. Of this are proofs, the * Numantine peace, and Caudinian capitulation. . .

II. The deliberative part conſiſts of two duties, perſuading and diſſuading. It has no occaſion for the formal exordium of the judicial, it being ſuppoſed that every man, who wants advice, is diſpoſed to liſten to it. Yet ought it to have ſome beginning, ſome reſemblance to a ſort of exordium; for we ſhould not enter abruptly on the matter, nor be led away by our fancy, becauſe in every ſubject there is always ſomething naturally firſt. In the ſenate, and in the aſſemblies of the people, we behave as in a judicial cauſe, by endeavouring to acquire a favourable hearing; and this need be no ſubject of ſurpriſe, when even in panegyrics, where the propoſed emolument does not conſiſt in any utility, but merely in praiſe, we ſue for the favourable attention of the aſſembly. † Ariſtotle, and not without reaſon, thinks that in imitation of the pleadings of the bar, the exordium in the deliberative kind, may contain a modeſt compariſon of one's ſelf with the orator, who is of a different ſentiment; and that ſome-

* Livy, l. ix. n. 5 and 6. See Cic l. iii. Offic. 109.
† Rhet. iii. c. 14.

times

times it may be conducted by exagerating or diminiſhing the importance of the affair in deliberation. In demonſtrative ſpeeches he thinks the exordiums may take great latitudes; for they may treat of ſomething quite foreign to the ſubject, as in the oration of Iſocrates in praiſe of Helen, or may bear ſome reſemblance to the ſubject, as in the ſame panegyric the ſame orator complains that the beauty of the body has more votaries than the beauty of the mind. Gorgias, in his Olympic, begins by praiſing thoſe who inſtituted games ſo worthy of the emulation and concourſe of ſo great a number of people. Salluſt followed their example, as appears by the prefaces of his Catilinarian and Jugurthine wars, which have no relation to his hiſtory. But to return to the deliberative kind; when we make uſe of an exordium for it, it ſhould be but ſhort, and rather an introduction, than properly an exordium.

A private deliberation will never require a narration, eſpecially of the thing deliberated upon, becauſe none are ignorant of what they come to conſult about; but ſeveral circumſtances, though immediately foreign to the deliberation, yet as ſerving to throw light upon it, may be related. In the aſſemblies of the people, a narration, ſetting forth the order of the affair, is often neceſſary; and it ought perhaps to be expreſſed in the moſt lively and * affecting manner; as then is the time for rouſing or checking the indignation of the people, or working upon their minds by motives

* The Latin text has here various readings in manuſcripts, whence it may be thought that this paſſage is perhaps faulty.

of fear, deſire, hatred, or reconciliation. Sometimes alſo ſentiments of pity muſt be made to take place in their heart, whether the deſign is to induce them to diſpatch ſuccours to a beſieged place, or with them to weep over the deſtruction of an allied city.

In deliberations of this ſort, the good opinion conceived of the orator is of great weight; for he ought to be of conſummate prudence, and ſtand unimpeached in character, who would have us entruſt to him what we have moſt at heart, our honour and intereſt. In judicial harangues, an orator may in ſome meaſure indulge his own inclination; but in giving advice, muſt ever be biaſſed by the dictates of real truth and equity.

The generality of Greek * authors were of opinion, that the deliberative kind belonged intirely to harangues made in the aſſemblies of the people, and therefore had no other object but the adminiſtration of the ſtate. Cicero, for the moſt part, appears to be of the ſame opinion, and fancies, that in this kind, an orator has ſcarce any other topics to ſpeak of, but peace, or war; troops to raiſe and provide for; works for the public good; contributions and ſubſidies. He ſhould therefore be acquainted with the reſources of a ſtate, its uſages and manner of ordering matters, that from the very nature of the things, and the diſpoſition of minds, his arguments might be more ſtrong and perſuaſive. For my part, I think this affair may admit of greater variety, as

* Ariſt. Rhet. i. c. 8.

there

there are many kinds of deliberations, and perſons who deliberate.

III. Wherefore in perſuading and diſſuading three things ought to be particularly conſidered, "What it is that is deliberated upon; the perſon who conſults; and the perſon who is conſulted."

1. As to the thing deliberated upon, it is either certain that it is practicable, or not. If uncertain, the whole queſtion will here reſt, or the principal part of it. For it often happens, that we firſt prove, that though a thing be practicable, it ought not to be done; and ſecondly, that it is impracticable. A ſtate of conjecture conſtitutes a queſtion of the kind, as "Whether ſome iſthmuſes could be cut through; whether a harbour could be made at Oſtia; whether Alexander ſhould find lands beyond the ocean." Allowing alſo poſſibility, the ſtate will be ſometimes conjectural; as if the queſtion ſhould be, "Whether it is likely that the Romans will conquer Carthage; or, whether Annibal will paſs out of Italy, if Scipio makes Africa the ſeat of war; or, whether the Samnites will keep to the faith of treaties, if the Romans lay down their arms." Some things are poſſible and practicable, and in all probability may happen, but at another time, in another place, and after another manner.

Where there is no room for conjecture, we may look to other particulars. Firſt, an affair is deliberated upon, either on its own account, or on account of other intervening extrinſic cauſes. On its own account, as when the ſenators deliberated, "Whether they ſhould make a fund for the

the * pay of the army, and other military expences." This deliberation will be ſimple. On account of other intervening extrinſic cauſes, which are of two ſorts. Firſt, by ſhewing reaſons for doing a thing, as when the ſenate deliberated, "Whether the three Fabii ſhould be delivered up to the Gauls, who, if they were not, threatened to declare war." Secondly, by ſhewing reaſons for not doing a thing, as when Cæſar deliberated, "Whether he ſhould continue his march into Germany, notwithſtanding the conſternation of his ſoldiers, who all made their wills, as promiſing themſelves certain death." Theſe ſubjects of deliberation contain two clauſes: the firſt, becauſe the Gauls threaten to declare war; but the queſtion may be, whether waving the juſt reſentment of the Gauls, it would not be proper to deliver up to them the three ambaſſadors, who, contrary to the law of nations, committed acts of hoſtility, by bringing on a battle, and killed the king, to whom they were deputed on the buſineſs of the republic. In the other deliberation, nothing occurs to deter Cæſar from his enterprize but the conſternation of his ſoldiers; yet the queſtion may be, whether regardleſs of this accident, he ought to penetrate into Germany. But in theſe deliberations, we ſhould always begin with the principal queſtion, which even abſtracting from all incidental queſtions, may form a proper ſubject for deliberation.

Some are of opinion, that 'to perſuade,' in-

* See on this Livy, l. iv. n. 59 and 60. Of the Fabii, l. v. n. 36. Of the expedition into Germany. Cæſar, l. i. Bell. Gall.

cludes the three conſiderations of what is honeſt, uſeful, and neceſſary. I find no room for the third; for whatever violence is uſed, we may be forced perhaps to ſuffer ſomething, but cannot be compelled to do a thing in ſpite of us, and it is upon doing we deliberate. Men are forced to what is called neceſſity through fear, but properly this is a queſtion of utility: as for inſtance, an army beſieges a place, and the garriſon, weakened by frequent ſallies, and a want of proviſions, deliberate upon ſurrendering: a neceſſity of ſo doing, or of periſhing is urged. Now, in this caſe there is no neceſſity, becauſe there is a will of periſhing rather than of ſurrendering, which we ſee in the example of the Saguntines, and in that of ſome of the people of * Opitergium ſurrounded by the enemy's fleet. Therefore in ſuch caſes, the queſtion will either regard utility alone, or will lie between what is uſeful and honeſt. But ſuppoſe a man's intention is to beget children, and that for this purpoſe he is under a neceſſity of marrying. Grant that he is; for whoever is willing to have children, cannot be ignorant of his being under a neceſſity of marrying. No deliberation therefore ſeems to me to include neceſſity, no more than a thing is practicable, where an impoſſibility occurs of putting it in execution; for every deliberation pre-ſuppoſes a doubt: ſo that I agree with thoſe who call the third part "what is poſſible," inſtead of "what is neceſſary."

* Opitergium is a town of Italy not far from Venice. Some of its inhabitants in the war between Cæſar and Pompey, were ſurrounded by the enemy in a naval engagement; but ſooner than ſuffer themſelves to be ſlaughtered by the enemy, they put each other to death. See Flor. Epit. l. cx.

It ſufficiently appears without my intimating it, that theſe three motives do not always take place in every deliberation; though ſome, as if they were not ſufficient, increaſe their number, and make a new diviſion, which is only a ſubdiviſion of the firſt. For what is lawful, juſt, pious, equitable, clement, may be referred to what is honeſt, as a ſpecies to its genus. In like manner, what is eaſy, important, agreeable, without danger, belong to what is uſeful; and all theſe places ariſe from their oppoſites, as a thing indeed, tho' uſeful, may be difficult, inconſiderable, diſagreeable, dangerous.

Some think, that things reſtricted to motives of pleaſure, may ſometimes be ſubjects of conſultation; as, "Whether a theatre ought to be built," "Whether games ought to be inſtituted." For my part, I cannot imagine any man ſo addicted to the purſuits of luxurious life, as to propoſe no other end in a cauſe of perſuaſion than pleaſure; ſo that it ſhould always appear neceſſary to begin with ſome ſerious reflection; as, if games are to be inſtituted, they ought to be in honour of the gods: if a theatre is to be built, the deſign propoſed by it, is a relaxation after labour by innocent amuſement; if one ſhould not be built, there would be a troubleſome confuſion of all ranks of people: having ſuch an edifice might alſo be very intereſting to the cauſe of religion, as being in the nature of a temple, reſorted to for the ſolemnization of a ſort of feſtival.

In many caſes utility may be rejected, nay deſpiſed, to do what is honeſt, becoming, or noble; as when we counſel the Opitergini not to ſurrender

render themſelves, though they will periſh unleſs they do: and we poſtpone that which is becoming to utility, as when in the Punic war the arming of our ſlaves was adviſed. In neither of theſe caſes the orator ſhould expoſe things in their genuine colours. As to the ſlaves, he may ſay, that nature has made us all free, that we are all compoſed of the ſame materials, and that they are deſcended from perhaps as illuſtrious a ſtock as we are. As to the Opitergini, there being no practicable means to conceal from them the danger they are in, he may adopt other motives; as, ſhould they ſurrender themſelves, they muſt expoſe themſelves to a more cruel death, either from the treachery of the enemy, or if Cæſar conquered, which is more probable.

When two motives are oppoſite, they are made to ſquare with each other, by ſubſtituting other names; for utility is not held in any degree of eſtimation by thoſe, who ſay that honeſty is not only preferable to utility, but even that nothing is uſeful but what is honeſt; and, on the contray, what we call honeſty, glory, and honour, they term vanity, ambition, and folly; a probability indeed, but more ſo in words than in reality. Sometimes things uſeful are compared with their oppoſites, and ſometimes two uſeful or two hurtful things are compared with each other, that we may chooſe the more or the leſs in either. The difficulty may ſtill increaſe from the intervening of three ſubjects of deliberation; as when Pompey, after the battle of Pharſalia deliberated, whether he ſhould go to the Parthians, or into Africa, or Egypt. Herein

in the queſtion will be, not ſo much which is better, but what is beſt; or, on the contrary, which retreat is likely to be attended with moſt danger.

Neither in theſe ſubjects does the thing itſelf ever admit of doubt, being intirely in our power; for where there is no room left for contradiction, how can there be a cauſe for doubting? Therefore, almoſt every deliberation is properly a compariſon. We ſhould alſo have in view the end we propoſe to ourſelves, and the means whereby we think to attain it, that we may be able to form a juſt eſtimate, whether they chime in with each other, or whether the means may not be attended with a greater inconveniency, than the end with advantage. Utility takes in likewiſe the conſideration of time, place, perſon, the manner of acting, and the meaſure; as, it may be adviſeable to do ſuch a thing, but not now, nor in that place; neither ſhould we be the acting parties, nor againſt ſuch perſons, nor ſo, nor to ſuch an exceſs.

2. But in regard to the * perſons conſulting, or conſulted, a due decorum ought to be kept to; for though examples be of vaſt weight in counſels, becauſe men are eaſily induced to give their aſſent to what has been already experienced; yet ought we to weigh well the authority of the examples propoſed, and before whom, and for whom, they

* He ſaid a little before, that the queſtion of utility belonged alſo to the perſon: as, that indeed is uſeful, but neither for us, nor againſt thoſe. But, ſays he, we often conſider the ſame perſon in point of decorum, that is, that we may ſee ourſelves what is becoming us, and what is becoming thoſe that deliberate.

are

are propoſed. Minds are not all diſpoſed the ſame way; and they who deliberate, are many aſſembled together, or ſingle perſons; but there is a difference in both. If many, it ſignifies much, whether it be the ſenate or people; the Romans, or the Fidenates; Greeks, or barbarians. If ſingle perſons, whether Cato, or Marius, ought to be a candidate for ſuch honours; whether Scipio, preferably to Fabius, ſhould be conſulted on the manner of conducting the war. Age, ſex, and dignity, will alſo have their peculiar conſiderations; but the greateſt and niceſt difficulty lies in the conſideration of the party's moral character.

It is an eaſy matter to recommend what is virtuous to its votaries, but the perverſe and corrupt will with difficulty be induced to reliſh a ſollicitation of the kind. To gain an aſcendant over their minds, we muſt avoid reproach, and not let them perceive the little eſteem we have for them: They muſt be induced to good, not by the love of good, but by the deſire of glory, the care of their reputation; and, if this piece of vanity does not ſufficiently flatter them, they muſt be made to think that their own advantage is intimately connected with the buſineſs; or, what may be more effectual, they muſt be intimidated by fear, and the apprehenſion of the diſmal conſequences likely to enſue from their acting otherwiſe. For beſides, that it is an eaſy matter to terrify baſe ſouls, I do not know, but that the dread of evil makes naturally a deeper impreſſion on moſt men, than the hope of good things; by the ſame reaſon that they ſooner and eaſier come to the knowledge of vice, than of virtue.

Sometimes honeſt men are induced to engage in unſeemly actions, and thoſe of a doubtful character are counſelled to ſeek nothing but their intereſt. I am not ignorant of what the reader will think on this occaſion. Are theſe your inſtructions, ſays he, and do you fancy them right? I could juſtify myſelf on the authority of Cicero, who ſo writes to * Brutus, many things having been propoſed by him, which Cæſar could be honeſtly perſuaded to purſue: "Should I be an honeſt man, if ſuch was my advice? No; for every man, adviſing another, ought to look to nothing but the intereſt of him whom he adviſes. The contrary advice would be more honeſt, and is ſo undoubtedly; but it is a conſideration we are not always obliged to regard." But, as this queſtion requires to be more thoroughly examined into, and belongs not intirely to our preſent ſubject, we ſhall refer it to the twelfth Book, the laſt of this work. Still do I not pretend to encourage any thing of a baſe action, and ſo, till I explain myſelf, what has been ſaid need not be practiſed but in ſchool-exerciſes; for the artifice of impoſition and injuſtice is neceſſary to be known, that we may be the better able to aſſert the cauſe of truth and juſtice.

However, if any one ſhould undertake to perſuade a good man to do what is diſhoneſt, let him remember not to counſel it as ſuch, as ſome declaimers do, who would have Sextus Pompey turn pyrate, for no other reaſon than becauſe it is a cruel and infamous profeſſion. But all criminal deſigns ſhould be gloſſed over with ſomething ſpe-

* This epiſtle is not extant.

cious,

cious, even in an intercourſe with the vicious, none being ſo bad as to pride themſelves in paſſing for ſuch. Thus Cataline in Salluſt ſtrives to inſinuate that he is not urged to his wicked purpoſe through malice, but by a juſt indignation. And thus Atreus in Varius's tragedy of Thyeſtes, cries out:

'Jam fero infandiſſima, jam facere cogor.'

'Injur'd I am, and by cruel treatment;—
Mine heart-felt anguiſh prompts me to revenge:—
It muſt be ſo . . . . I'll make a like return.'

By how much the more ought we not artfully to practiſe on the minds of thoſe who are ſenſible of honour? If we counſel Cicero to have recourſe to the clemency of Mark Antony, even by burning his Philippics, the aſſigned condition for obtaining pardon, we muſt not inſiſt upon the love of life, a conſideration that will affect him, though we are ſilent; but we may, with great propriety, exhort him to preſerve his days for the good of the republic; and this pretext will be neceſſary to prevent his ſhame of ſuch intreaties. Cæſar deliberates on aſſuming the title and power of a king: he muſt be told that the commonwealth cannot ſubſiſt but by the rule of one maſter; for whoever deliberates on carrying into execution a wicked act, ſeeks only a plauſible pretext to appear the delinquent as little as poſſible.

3. The character of the adviſer is alſo of ſingular importance; becauſe paſt life, if illuſtrious, or noble extraction, or reſpectable age, or fortune, raiſes expectation on theſe occaſions; and nothing of the things ſaid muſt be inconſiſtent with his

character. But the * reverſe of ſuch characters requires a more humble manner, as the liberty of ſpeech aſſumed by the former, would paſs for impudence and temerity in the latter. And indeed, authority is fully ſufficient for ſome, whilſt others can ſcarce recommend themſelves by all the force of reaſon.

IV. On this account †, proſopopeias ſeem to me to be extremely difficult, in which, beſides obſerving the rules preſcribed for deliberative diſcourſes, the character of the party muſt be ſtrictly adhered to. To introduce, Cæſar, Cicero, and Cato, deliberating on the ſame affair, each muſt be made to expreſs his peculiar ſentiments. This exerciſe is very uſeful, either by forming declaimers for executing two duties incumbent on them, or by being of ſingular ſervice to thoſe who apply themſelves to poetry and hiſtory. It is likewiſe neceſſary for Orators, as may appear from the many ſpeeches, both Greek and Latin, which have been compoſed for the uſe of others, and in which there was a neceſſity of ſupporting the character and condition of the parties. Did ‡ Cicero, writing for Pompey, for Appius, and others, think but one way, or perſonate but one? Had he not an intuitive view of the peculiar cir-

* As youth, a ſmall fortune, obſcurity of birth, a life not blameleſs.

† By proſopopeias he means here declamations, in which we introduce ſome perſon deliberating, and different characters are aſſumed. He ſays, that *(duplex opera)* two particular duties are to be obſerved in them; the neceſſity of perſuading, and keeping up to the character of the perſon.

‡ Cicero ſometimes wrote orations for the noble Romans, which they committed to memory, and pronounced in the ſenate, or in the aſſemblies of the people.

cumſtances

cumſtances of the fortune, dignity, and exploits of all thoſe, to whom he gave his voice; and were not his words expreſſive of their image in all its genuine colours? Thus it was they ſpoke better, and yet ſeemed to ſpeak themſelves; for a ſpeech is not leſs faulty for diſagreeing with the perſon who delivers it, than it is with the ſubject it ought to treat of; and for this reaſon it is that Lyſias is much admired for having preſerved ſo great an air of truth and ſimplicity in the diſcourſes he wrote for illiterate perſons.

It belongs particularly to declaimers to ſtudy theſe fitneſſes; for though they ſeldom ſpeak as * advocates, there is ſcarce a character but they may aſſume. Sometimes you will ſee them in that of a father, ſometimes in that of a ſon; other times repreſenting the rich man, the old man, the ill-humoured man, the wit, the miſer, the hypocrite, the coward, the jeſter. An actor on the ſtage cannot appear in ſo many different parts; and all may ſeem proſopopeias, which I include in deliberative harangues, as differing from them in no other reſpect than the reality of perſon. . .

V. Moſt declaimers are guilty of many errors in regard to deliberative ſpeeches, preſuming that they are intirely different from thoſe of the judicial kind, and that the ſtyle alſo is different. Hence proceed their abrupt exordiums, a conti-

* In ſcholaſtic declamations they acted, not as advocates, or counſel, but as parties: ſons, fathers, &c. Therefore proſopopeias differ in no other reſpect from deliberative ſpeeches than in the perſon: becauſe in the deliberative ſpeech we perſuade in perſon; and do the ſame in the proſopopeia in that of another.

nued precipitation in the diſcourſe, an effuſion of frothy words, and always by far a ſhorter * eſſay than is uſed in judicial matters.

For my part, as I think, for the reaſons before alledged, that deliberations want not exordiums in form; ſo, I do not underſtand why the beginning ſhould be vented in a ſtrain of madneſs. On the contrary, I believe that a man of good ſenſe, who is deſired to give his advice, far from aſſuming ſo † clamorous a tone of voice, would rather chooſe by a polite and modeſt introduction to gain the good will of the perſons before whom he is to ſpeak.

Where is the neceſſity for ſuch a torrent and rapidity of ſpeaking in a matter, that requires the greateſt moderation and prudence? I know that very often in pleadings the vehemence of the Orator is not ‡ exerted in the exordium, narration, and arguments; and if you except this vehemence, the manner will much reſemble that of

* They thought the ſpeeches ſhould be much ſhorter in the deliberative, than in the judicial kind.

† *Quiritare* in the text is applicable to him, who in an obſtreperous manner implores the protection of the *Quirites* or Romans.

‡ I confeſs that in the judicial kind *the vehemence of ſpeaking often ſubſides*, is leſſened, moderated, that is, there is a leſs earneſtneſs of ſpeaking in the *exordium*, which is mild; in the *narration*, which is clear and fluent; in the *confirmation*, which ought to be argumentative. *Which* vehemence if *you take* from the judicial kind, *there will remain in it moſtly what deliberative ſpeeches conſiſt of*. That is, there will remain indeed, that grave but not impetuous diſcourſe; and ſuch alſo the deliberative kind requires. But this force and energy that remain, when the vehemence does not take place, will flow equally like a rapid river within its banks, but will not ruſh here and there like *the impetuous ſpreading of a turbid torrent*.

deliberations.

deliberations. But this too ought to proceed in a more even pace, and not with the tumultuous rage of a turbid torrent.

The magnificence of words, which naturally flows from the ſubject, ought not to be conceived in too fulſome a ſtrain of affectation, as we ſee by declaimers, who generally make choice of ſpeeches, ſuppoſed to be pronounced by kings and princes; or ſpeeches made to the ſenate or people, and a variety of ſuch grand ſubjects. When words are with propriety adapted to things, they will of courſe borrow an additional luſtre from the importance of the matter. But real deliberations are otherwiſe conducted. Theophraſtus makes ſimplicity their greateſt ornament, and affectation the reverſe; in this following the authority of his maſter, though ſometimes he makes no ſcruple to diſſent from him. For Ariſtotle thinks that the moſt proper for ſhew is the demonſtrative kind, and next to it the judicial; the firſt being intirely calculated for oſtentation, and the ſecond ſtanding in need of art, where it is neceſſary to throw minds into deception, if utility would have it ſo; but that the deliberative requires only prudence and ſincerity. I allow what he ſays touching the demonſtrative kind; and all other authors agree in this point: but in deliberations and judgments, I think the beſt way is to ſuit the elocution to the nature of the ſubject. We ſee that Demoſthenes's Philippics are as remarkable for beauties as his pleadings. Cicero is equally eloquent, whether he * accuſes, defends, or deliberates on the af-

* In the text *ſententiæ*, accuſations, invectives, impeachments, and deliberations, as thoſe ſpoke in the ſenate, againſt

fairs of the republic; and in regard to the deliberative kind, himſelf obſerves, that it * ought to be conceived with ſimplicity and dignity, and rather indebted for its merit to judicious reflections than the pomp of words." All allow that no other ſubject has a greater occaſion for the uſe of examples, that futurity may ſeem to tally with what is paſt, and experience be held as a certain teſtimony of reaſon.

The † length or ſhortneſs of a ſpeech, conſiſts not in the kind of matter, but in the manner that is required for treating it; for as moſt commonly in deliberations the queſtion is more ſimple, ſo in cauſes it is often of leſs extent.

Whatever has been ſaid will be found true, if inſtead of poring a whole life away on treatiſes of rhetoric, one did rather read orations, or ſuch hiſtories as are interſperſed with fine ſpeeches, calculated for perſuading or diſſuading an enterprize. In the deliberations we ſhall meet with no abrupt exordiums, and often in the pleadings a more ſpiririted diction; the elocution always in both proportionate to the matter, and ſometimes deliberations of a greater length than judicial cauſes.

In theſe none of the faults will be found ſome declaimers give into, who paſs to bitter invectives againſt thoſe that differ from them in opinion, and

Antony and Cataline. *Conciones*, ſpeeches made to the people, as for the Manilian law, againſt Rullus, &c.

* In Partit. n. 97.

† The length or ſhortneſs of a ſpeech does not depend on the kind, whether it be demonſtrative, deliberative, or judicial; but on a certain meaſure, and certain way of treating it, ſuitable to the matter.

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never ſeem to approve any thing propoſed by the parties conſulting them; thus behaving more like indiſcreet wranglers, than perſons offering counſel. Young gentlemen, however, may know, that what is here laid down and inculcated, is on their account, that their time may not be miſpent on a manner of haranguing, which they muſt ſooner or later be diſuſed to. When hereafter they may be applied to for adviſing their friends, for giving their opinion in the ſenate, or for counſelling the prince, their own experience will then teach them, what perhaps they now refuſe believing on the faith of precepts.

CHAP. IX.

Of the judicial kind.

I. *That there are in it five parts for an oration, conſiſting of an exordium, narration, proof, refutation, and preroration.* II. *In theſe parts, not as each is firſt to be ſpoken, ſo is it firſt to be thought of.*

I Shall now ſpeak of the judicial kind, which, though of all the moſt extenſive and various, conſiſts but of two offices, accuſation and defence. Its parts, according to moſt authors, are five, exordium, narration, proof, refutation, and peroration. To theſe ſome have added diviſion, propoſition, and digreſſion; but the two firſt are included in the proof. . . As to digreſſion, if it be foreign to the cauſe, it cannot make a part of it; if it belongs to the cauſe, it may ſerve as a help or

or ornament to the parts from which it digreſſes. But if every thing, in a cauſe, ought to be called part of it, why ſhould not alſo argument, ſimilitude, common place, paſſions, examples, be likewiſe called parts? Neither do I agree with thoſe, as Ariſtotle, who exclude refutation as included in proof; for the one eſtabliſhes, and the other deſtroys, which are different things. The ſame author differs alſo from us in opinion, by placing after the exordium, not narration but propoſition. . .

II. But I do not pretend, that the Orator muſt think of every one of theſe * parts, in the ſame order that he is to ſpeak them. His principal care ſhould be to examine into the nature of the cauſe he undertakes; to know the ſtate of the queſtion; what makes for and againſt it; what he is to prove and what to refute: next, how he muſt order his narration, for the expoſition of it is a preparative to his proofs; neither can it be of ſervice, unleſs it firſt appears what he may promiſe himſelf from his proofs. Laſtly, he muſt conſider the means of procuring the favour of the judges, as it muſt be from a diligent inſpection into all parts of the cauſe, that he will be able to know the diſpoſition of mind they ought to be in, as gentle or ſevere, paſſionate or cool, inflexible or tractable, for deciding in his favour.

I cannot likewiſe ſide with thoſe, who think the exordium ſhould be the laſt thing written. For, as it is neceſſary to get together all materials, and ſee how they ought to be diſpoſed, be-

* See Cic. l. ii. de Orat. 315.

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fore we ſet about writing or ſpeaking; ſo ought we to begin with what naturally occurs firſt. A painter or ſculptor do not begin with the feet in a portrait, or ſtatue; neither does any art conſummate a work, where it muſt begin. And what ſhall an Orator do, if he has not time enough to compoſe intirely his diſcourſe? Will he not find himſelf under an illuſion in abiding by ſo prepoſterous a cuſtom? He muſt therefore conſider his matter in the order we have preſcribed, and write it down in the order of delivering it. . * .

BOOK

BOOK IV.

PREFACE.

He flatters Domitian, who had committed to his care the education of his ſiſter's grand-children; and next propoſes what he intends to treat of in the three following books.

NO ſooner had I finiſhed, Marcellus Victorius, the third book of the work I dedicated to you, which almoſt completed the fourth part of my labour; but I found myſelf engaged in new cares, and poſſeſſed with a more anxious deſire of perfecting what I undertook, as being under an obligation of ſubmitting it to the judgment of the public. At firſt, theſe ſtudies were confined to ourſelves, and regardleſs of approbation from others, we ſeemed to content ourſelves with their domeſtic uſe, preſuming it would add much to our happineſs, if they proved conducive to the inſtruction of your ſon and mine. But now Domitian Auguſtus, having entruſted me with the education of his ſiſter's * grand-children,

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I ſhould

I ſhould not make a true eſtimate of this * heavenly approbation, unleſs I by it meaſured the grandeur of my enterprize. In what light ſoever I place it before my eyes, whether relatively to morals, whether to ſciences, what ought I not to do for meriting the eſteem of ſo upright a cenſor, ſo good and gracious a prince, not leſs diſtinguiſhed by eloquence, than a thouſand other great qualities which adorn his life. If it be not a matter of ſurprize to ſee the moſt excellent poets, not only invoke the Muſes in the beginning of their work; but alſo in the ſequel, when they enter upon any paſſage of importance, to renew their vows and ſupplications; ought I not by a much better reaſon be indulged, if what I omitted in the beginning of this work, I ſhould now perform, by calling to my aſſiſtance all the gods, and him in a particular manner, than whom there is not a more propitious deity, preſiding over ſciences and ſtudy. May he then vouchſafe to be favourable to me; may he proportion his goodneſs to the elevated idea he has been pleaſed to form to himſelf, by chooſing me for ſo glorious an employment, and ſo difficult to be worthily diſcharged; and may he inſpire me with all the genius I have occaſion for, and make me ſuch as he believed me to be!

Theſe are not the only reaſons, though the moſt conſiderable, which have determined me to addreſs him: there are others, grounded on the difficulty of the enſuing work; which, according as it pro-

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ceeds, becomes more important and difficult. For now I muſt explain the order of judicial cauſes, which are manifold, and contain matter of much variety: I muſt conſider the properties of the exordium; the manner of narration; the force and authority of proofs, by confirming what is advanced, or refuting what is objected; the great power and influence of the peroration, whether by a ſhort recapitulation the memory of the judges is to be refreſhed; or whether the paſſions are to be moved, which is much more efficacious. Some authors choſe to write only on a ſingle part, apprehenſive of the burden of the whole; and a good many have written whole volumes on each part. I, who preſumed to bring them all into one body, now find that I have charged myſelf with an immenſe labour, and am even ſomewhat diſmayed by the thoughts of what I have undertaken. But I muſt continue becauſe I began, and though ſtrength might fail me, I muſt ſpirit myſelf up with courage and reſolution.

CHAP.

CHAP. I.

Of the Exordium.

I. *That it is with more propriety called by the Greeks proœmium.—That it is uſed for procuring benevolence, attention, and docility.* II. *Of benevolence. That it is acquired three different ways; either from the perſons, which are five.* 1. *The pleader of the cauſe.* 2. *The advocate of the adverſe party.* 3. *The plaintiff.* 4. *The defendant.* 5. *The judge.—Or from the cauſes.—Or from adjuncts to the cauſes or perſons.* III. *Of attention.* IV. *Of docility.* V. *That theſe three are differently employed according to the difference of the five kinds of cauſes.* VI. *When and how inſinuation is to be adopted, which is a ſecond ſpecies of exordium.* VII. *How the exordium may be eaſily performed.—That it is properly deduced from the action of the adverſe party.—That modeſty becomes it.—That the ſuſpicion of art is to be avoided, and the boldneſs of words.* VIII. *What ſtyle, manner, and figures ſuit the exordium.... What are its principal faults.* IX. *That there is not always an occaſion for an exordium; and that it takes place alſo in other parts.* X. *Of tranſition from the exordium to the enſuing part.*

I. WHAT the Latins call * exordium, the Greeks expreſs by the more ſignificant term of † προοίμιον, which ſufficiently denotes the

* On the exordium, ſee Cic. Rhet. i. 6—11. l. i. de Invent. 20—26. l. ii. de Orat. 315. 325.

† Of οἶμη, cantus, or οἶμος, via.

part

part of the diſcourſe that is pronounced before the ſubject is entered upon. For whether they have borrowed the term from muſic, as muſicians make a prelude for obtaining ſilence and attention before they play their pieces; ſo orators, before they begin the cauſe, have ſpecified by the ſame appellation, what they ſay by way of preface, for procuring towards them a benevolent diſpoſition in the judges: or, whether, as the ſame Greeks call οἶμον, an introduction to a thing; ſo orators may have taken the word in the ſame ſenſe, underſtanding by it that part which is neceſſary to acquire the favour of the judge, before he receives any information of the cauſe...

The reaſon for an exordium can be no other, than to diſpoſe the auditory to be favourable to us in the other parts of the diſcourſe. This, as moſt authors agree, is accompliſhed by making them benevolent, attentive, and docile; not but that a due regard ſhould be paid to theſe three particulars during the whole of the action; but in the exordium they are of ſingular moment, as by it we ſo far gain an aſcendant over the mind of the judge, as to be able to proceed farther.

II. Benevolence is procured, either from reflections made on the nature of cauſes, or the conditions of perſons. But the perſons are not reducible to three only, as generally believed, conſiſting of the plaintiff, defendant, and judge.

1. For ſometimes the exordium is applicable to the pleader of the cauſe; who, though he ought to ſpeak very little of himſelf, and always modeſtly, will find it of vaſt conſequence to create a good opinion of himſelf, and to make himſelf reputed

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the honeſt man. So it is he will be regarded, not ſo much the zealous advocate, as a faithful and irreproachable witneſs. His motives for pleading muſt therefore appear to proceed from tie of kindred, or friendſhip; and principally from a deſire to promote the public good, if ſuch motive can be urged, or any other important conſideration. This conduct will become plaintiffs in a much greater degree, that they may ſeem to have brought their action for juſt and weighty reaſons, or were even compelled to it by neceſſity.

But, as nothing gives ſo great a ſanction to the authority of the ſpeaker, as to be free from all ſuſpicion of avarice, hatred, and ambition; ſo alſo, there is a ſort of tacit recommendation of ourſelves, if we profeſs our weak ſtate and inability for contending with the ſuperior genius and talents of the advocate of the adverſe party. Moſt of Meſſala's exordiums are in this ſtrain. And, indeed, we are naturally diſpoſed to favour the weak and oppreſſed; and a conſcientious judge hears willingly an orator, whom he preſumes not to be capable of making him ſwerve from his fixed purpoſe of doing juſtice. Hence the care of the ancients for concealing their talents, ſo different from the vanity of the orators of our times.

All contumelious, ſpiteful, haughty, calumniating expreſſions muſt be avoided, and not ſo much as even inſinuated to the defamation of any particular perſon or rank, much leſs againſt thoſe, to whom an affront offered would alienate the minds of the judges. To be ſo imprudent as to attack the judges themſelves, I ſay not openly,

but in any indirect manner, would be a folly in me to animadvert on, did it not happen.

2. The advocate for the adverſe party may likewiſe furniſh ſufficient matter for an exordium. Sometimes honourable mention may be made of him, as when we pretend to be in dread of his intereſt and eloquence, to render them ſuſpected by the judges; and ſometimes by caſting an odium on him, but this muſt be done but very ſeldom, as Aſinius pleading for Urbinia's heirs againſt Labienus, obſerves, that the cauſe of the adverſe party cannot be very good, becauſe Labienus defends it.

Cornelius Celſus ſays, that theſe are not exordiums, as being foreign to the cauſe. But I rather think, from the authority of the beſt authors, that whatever affects the orator, affects alſo the cauſe he patronizes, as it is natural for a judge to give more credit to thoſe, whom he more willingly hears.

3. The perſon of the plaintiff is variouſly conſidered: for either his dignity is alledged, or his diſtreſs and inabilities are repreſented in a light that may excite commiſeration towards him: ſometimes a recital of his ſervices may take place, which will have a better effect from another than himſelf. Sex, age, condition, are likewiſe very prevailing conſiderations; as women, pleading for their huſbands; old men for their children; orphans claiming the ſubſtance of their parents. Compaſſion alone gains upon the moſt upright judge. Such conſiderations, however, ſhould be but ſlightly touched on in the exordium, and not exhauſted.

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4. The perſon of the adverſary or defendant, is attacked on nearly the ſame conſiderations, but the deductions have a contrary tendency. For envy attends on the powerful, contempt is the portion of the vile and abject, and hatred of the infamous and criminal: all which are very efficacious means to alienate the minds of the judges. Still it is not ſufficient barely to alledge them, which the ignorant may do as well as the learned; but they are to be exaggerated or diminiſhed, as it may ſeem expedient. This is the buſineſs of the orator, the other point regards the cauſe.

5. We ſhall procure the favour of the judge, not ſo much by praiſing him, which ought to be done with moderation, and is common to both parties, but rather by making his praiſe fall in, and connecting it with the intereſt of our cauſe. Thus, in ſpeaking for a perſon of conſequence, we may lay ſome ſtreſs on the judge's own dignity; for one of mean condition, on his juſtice; for the unhappy, on his mercy; for the injured, on his ſeverity, and the like.

It would not be amiſs alſo, if poſſible, to become acquainted with his character. For according as his temper is harſh or mild, pleaſant or grave, ſevere or eaſy, the cauſe ſhould be made to ſlide on the ſide which tallies with his humours; or to admit ſome mitigation or ſoftening on that, where it runs counter to them.

It may happen too ſometimes, that the judge is our enemy, or the adverſary's friend. This is a circumſtance requiring the circumſpection of both parties; yet I think, the favoured party ſhould behave with great caution: for a judge of

a biaſſed diſpoſition will ſometimes affect to paſs ſentence againſt his friends, or in favour of thoſe to whom he bears enmity, that he may not appear to act with injuſtice.

Some have been judges in their own cauſe. For in the books of obſervations publiſhed by Septimius, I find that * Cicero had acted in ſuch; and I myſelf pleaded for queen † Berenice, before herſelf, as judge. Here not leſs precaution is required than in the preceding caſe; for the ‡ adverſary boaſts the right and confidence of his party, and he, who pleads for his judge, is apprehenſive of making his modeſty and delicacy ſuffer.

Judges have alſo their private opinions and prejudices, which we muſt either ſtrengthen or weaken, according as we ſee neceſſary. Fear too muſt be ſometimes removed, as Cicero, in his defence of Milo, endeavours to aſſure the judges that Pompey's army, drawn up about the Forum, is for their protection; and ſometimes there will be an occaſion to intimidate them, as the ſame orator does in § one of his pleadings againſt Verres.

There are two ways of proceeding in this laſt

* He pleaded for Marcellus, Dejotarus, and Ligarius, before Cæſar, who was judge in theſe cauſes, which were his own.

† This Berenice was wife of Ptolemy king of Egypt, daughter of Herod, king of Judea, ſiſter of Agrippa, and beloved by Titus, Domitian's brother.

‡ The orator, who pleads againſt the judge, boaſts the confidence of his party, who fears nothing from the judge, tho' his adverſary and judge: whereas the advocate for the judge is obliged to ſignify his fears, leſt through a miſguided ſhame, he ſhould give ſentence againſt himſelf, though his cauſe is good.

§ Verr. ii. in the whole ſpeech, and particularly in n. 36. 50.

caſe;

caſe; the firſt plauſible, and frequently uſed, as when it is hinted to them, that the Roman people might entertain an ill opinion of them, or that there might be an appeal from their judgment: the other deſperate, and not ſo much uſed, as when threatened with proſecution themſelves, if they ſuffer themſelves to be corrupted. This is a hazardous point, and is conducted with more ſafety to the orator, in a large aſſembly, where corrupt judges are reſtrained by fear, and the upright have the majority: but I would never counſel this before a ſingle judge, unleſs every other reſource was wanting: if neceſſity requires it, I cannot ſay that it is the buſineſs of the art of oratory to give directions in the matter, no more than to lodge an appeal, though that too is often of ſervice, or to cite the judge in juſtice before he paſſes ſentence; for to threaten, denounce, or indict, may be done by any one as well as the orator.

If the cauſe itſelf ſhould furniſh ſufficient matter for gaining the good will of the judge, out of this whatever is moſt ſpecious and favourable may be inſerted in the exordium... It will be unneceſſary to enumerate all the favourable circumſtances in cauſes, being eaſily known from the ſtate of facts; beſides, no exact enumeration can take place, upon account of the great diverſity of law-ſuits: it is therefore the cauſe itſelf that muſt teach us to find out and improve theſe circumſtances; and, in like manner, a circumſtance that may make againſt us, the cauſe will inform us how it may either be intirely made void, or at leaſt invalidated.

From the cauſe alſo compaſſion ſometimes ariſes, whether we have already ſuffered, or are likely to ſuffer any thing grievous. For I am not of the opinion of thoſe, who to diſtinguiſh the exordium from the peroration, will have the one to ſpeak of what is paſt, and the other of what is to come. They are ſufficiently diſtinguiſhed without this diſcrimination. In the exordium, the orator ought to be more reſerved, and ought only to throw out ſome hints of the ſentiments of compaſſion he deſigns to excite in the minds of the judges; whereas in the peroration, he may pour out all the paſſions, introduce perſons ſpeaking, and make the dead to come forth, as it were, out of their graves, and recommend unto the judges the care of their * deareſt pledges. All theſe particulars are ſeldom executed in the exordium. But the manner, juſt pointed out, it will be very proper to obſerve in it, and to wear down all impreſſions to the contrary, made by the adverſe party; that as our ſituation will be deplorable, if we ſhould be defeated in our expectations; ſo, on the other hand, the behaviour of our adverſaries would be inſolent and haughty.

Beſides perſons and cauſes, the exordium likewiſe is ſometimes deduced from their adjuncts, that is, from things relating to the cauſe and perſons. To perſons are applicable not only the pledges abovementioned, but affinities, friendſhips, ſometimes cities and whole countries are alſo likely to ſuffer by the party's misfortunes. To the cauſe are annexed time, whence the exordium for

* Their wives, children, &c.

Cœlius;

Cœlius; place, as that for Dejotarus; * manner, as that for Milo; opinion, as againſt Verres; to which, in ſhort, may be added, the reputation of judgments, and the expectation of the public. Nothing of all theſe exiſts in the cauſe, yet do they belong to it.

Theophraſtus adds another ſort of exordium, taken from the pleading of the orator who ſpoke firſt. Such ſeems to be that of Demoſthenes for Cteſiphon, in which he requeſts the judges, they would pleaſe to permit him to reply as he thought convenient, and not to follow the rules preſcribed by the accuſer.

As the confidence, obſervable in ſome orators, may eaſily paſs for arrogance, there are certain ways of behaviour, which, though common, will pleaſe, and therefore ought not to be neglected, to prevent their being uſed by the adverſe party: theſe are wiſhing, warding off ſuſpicion, ſupplicating, and making a ſhew of trouble and anxiety.

III. The judge is made attentive, by inducing him to believe that the matter in debate is new, important, extraordinary; or of a heinous and crying nature; or that it equally intereſts him and the public: and then his mind is to be rouzed and agitated by hope, fear, remonſtrances, intreaties, and even by flattery, if thought to be of any uſe. Another way of procuring attention may be to promiſe, that we ſhall take up but little of their time, as we ſhall confine ourſelves to the ſubject.

* New form of a new trial or judgment, *novi judicii nova forma.*

IV. Attention undoubtedly will make him docile, but this may be improved by briefly and clearly ſtating to him the affair in queſtion. Homer and Virgil have done ſo in the beginning of their poems. But this ſtate of the queſtion ſhould be rather more like a propoſition than expoſition, ſhewing, not how every thing has been tranſacted, but preciſely the ſubject of the pleading. We cannot have a better example in this reſpect than that of Cicero in his oration for Cluentius: "I have remarked, good ſirs, that the whole of the accuſer's diſcourſe is divided into two parts; in one of which he ſeems to lay the greateſt ſtreſs on the inveterate odium that has attended the judgment pronounced by Junius: in the other, through cuſtom only, but with great timidity and diffidence, he touches on the charge of poiſoning, though this is properly the queſtion, and the fact in debate." This example, however, ſuits better the reſpondent than the propoſer, as here the judge is only to be put in mind of the matter, and there he requires a proper information, the thing being new to him.

I cannot think with ſeveral great authors, that on ſome occaſions it is not adviſeable to make the judge docile and attentive; becauſe in a bad cauſe, it might not be ſo proper to give him an inſight into the matter. But this happens leſs through the inattention of the judge, than the error he is led into. The adverſary has already ſpoke, and perhaps has perſuaded. We want to make the judge alter his opinion, which we ſhall not be able to effect, but by making him docile and attentive to what we ſay. I grant that ſome

things

things ought to be palliated, extenuated, and even made ſlight of, to draw off, if poſſible, the retroſpect of the judge to the reaſons of the adverſe party. Thus Cicero behaved in his pleading for Ligarius; for what other was the intent of that irony, unleſs to perſuade Cæſar, that the fact was not ſo ſingular, nor ſo deſerving of his attention? And for Cœlius, what was his deſign, but to ſhew, that the matter came ſhort of their expectation?

V. From what has been ſaid it appears, that different cauſes require to be directed by different precepts; and five * kinds of cauſes are generally aſſigned, ſaid to be, either honeſt, baſe, doubtful, extraordinary, or obſcure. Some add ſhameful, as a ſixth kind, which others ſubject to baſe or extraordinary. By extraordinary is underſtood what is contrary to the opinion of men. In a doubtful cauſe the judge ſhould be made favourable; in an obſcure, docile; in a baſe, attentive: an honeſt cauſe is ſufficient of itſelf to procure favour. Extraordinary and baſe cauſes want remedies.

VI. Some therefore diſtinguiſh two ſorts of exordiums, the one a beginning, the other an † inſinuation. In the firſt, the judges are requeſted openly to grant their benevolence and attention; but as this cannot take place in the baſe kind of cauſe, the inſinuation muſt ſteal in upon minds, eſpecially when the cauſe does not ſeem to appear

* Of the kinds of cauſes, ſee Cicero, l. i. Rhet. 5. l. i. de Invent 20, 21.

† Of the inſinuation, ſee Cicero, Rhet. i. 9. 11. l. i. de Invent. 23. 25.

with

with a ſufficiently honeſt aſpect, either that the thing itſelf is wicked, or is a meaſure not approved by the public. There are many inſtances of * cauſes of unſeemly appearance, as when a general odium is incurred by oppoſing a patriot; and a like diſaffection enſues from acting againſt a father, a wretched old man, the blind, or the orphan.

Some laboured hard by long diſquiſitions to find remedies for theſe inconveniencies; and having feigned ſubjects, diſcuſſed them as pleadings at the bar: but as ſuch actions ariſe from real cauſes, it would be next to an impoſſibility to inveſtigate all their ſpecies, and therefore all ſhould be comprehended under the ſame general precepts, and every one allowed to conſult with himſelf what is beſt to be done in them.

This may be a general precept for the purpoſe, "to touch but ſlightly on the things that make againſt us, and to inſiſt chiefly on thoſe that are for our advantage." If the cauſe cannot be ſo well maintained, let us have recourſe to the goodneſs of the perſon; and if the perſon is not commendable, let us ground our ſupport on the cauſe. If nothing occurs to help us out, let us ſee what may hurt the adverſary. For, as to obtain more favour, is a thing to be wiſhed for, ſo the next ſtep to it is, to incur leſs hatred. In things that cannot be denied, we muſt endeavour to ſhew that they are greatly ſhort of what they are reported to be, or

* Here two parts may be diſtinguiſhed. If one ſhould act againſt a patriot or father, the face and preſence of both would greatly alienate minds from the plaintiff. Alſo if one ſhould act againſt a poor old man, the blind, or an infant, their condition or age muſt make him very odious to the judges.

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that they have been done with a different intention, or that they do not in any wiſe belong to the preſent queſtion, or that repentance will make ſufficient amends for them, or that they have already received a proportionate puniſhment. Herein therefore it will be better and more convenient for an advocate to act than the party himſelf; becauſe pleading for another, he can praiſe without the imputation of arrogance, and ſometimes can even reprove with advantage. He may ſometimes alſo pretend to be deeply affected himſelf, as Cicero does, pleading for Rabirius Poſthumus, in order to inſinuate himſelf the more artfully into the minds of his judges, and to aſſume the authority of a man who thinks and ſpeaks with truth, that the ſame good opinion may be had of his veracity, when in the ſequel he proceeds to juſtify the ſame things or flatly denies them. . .

The inſinuation ſeems to be not leſs neceſſary, when the adverſary's action has prepoſſeſſed the minds of the judges, or when they have been fatigued by the tediouſneſs of the pleading. The firſt may be got the better of, by promiſing ſubſtantial proofs on our ſide, and by refuting thoſe of the adverſary. The ſecond, by giving hopes of being brief, and by having recourſe to the means preſcribed for making the judge attentive. In the laſt caſe too, ſome ſeaſonable pleaſantry, or any thing witty to recreate the mind, will have a good effect. It will not likewiſe be amiſs to obviate any ſeeming obſtruction, as Cicero ſays, "he is not ignorant that ſome will find it ſtrange, that he, who for ſo many years had defended ſuch a number of perſons, and had given no offence to

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any one, ſhould undertake to * accuſe Verres." Afterwards he ſhews, that if on one ſide he accuſes Verres, on the other he defends the allies of the Roman people. Which figure is called Prolepſis. . .

VII. But as it is not enough to point out to the learner the eſſentials for conſtituting an exordium, unleſs alſo he is informed how it may be properly executed; I make this addition, that the orator may conſider what the affair is he is to ſpeak of, before whom, for whom, againſt whom, at what time, in what place, in what ſituation of things, what the public think of it, what the judges may think of it before they hear him, and what he himſelf has to deſire, and what to be apprehenſive of. Whoever makes theſe reflections, will know where he ſhould naturally begin. But now orators call exordium whatever they begin by, and repute it to the purpoſe to form the onſet by ſome brilliant thought. Undoubtedly, many things are taken into the exordium, drawn from other parts of the cauſe, or at leaſt common to them; but nothing in either reſpect is better ſaid, than that which cannot be ſaid ſo well elſewhere.

There are many very engaging charms in an exordium that is taken from the adverſary's pleading; and this happens, becauſe it does not ſeem to ſavour of the cloſet, but is produced on the ſpot, and occurs from the very thing. By its eaſy, natural turn, it enhances the reputation of genius. Its air of ſimplicity, the judge not be-

* Verr. i. n. 1.

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ing on his guard againſt it, begets belief; and though the diſcourſe in all other parts be elaborate, and written with great accuracy, it will for the moſt part ſeem as an extempore harangue, the exordium evidently appearing to have nothing premeditated.

But nothing will ſo well ſuit an exordium, as a modeſty in the countenance, and voice, and thoughts, and compoſition; ſo that even in an uncontrovertible kind of cauſe, too great a confidence ought not to diſplay itſelf. Security is always odious in a pleader, and a judge, who is ſenſible of his authority, tacitly requires reſpect.

An orator muſt likewiſe be exceeding careful to keep himſelf from being ſuſpected, particularly in that part; and therefore not the leaſt ſhew of ſtudy ſhould be made, becauſe all his art will ſeem exerted againſt the judge, and not to ſhew it, will be the greateſt perfection of art. This precept was recommended by all authors, and undoubtedly with good reaſon, but is ſometimes altered by circumſtances of times; becauſe now in certain cauſes, and eſpecially in capital, pleaded before the * Centumviri, the judges themſelves require ſtudied diſcourſes, and fancy themſelves thought mean of,

* Tacitus reckons this amongſt the cauſes of corrupt eloquence. Formerly orators did not pleaſe in the exordium, but only made a ſort of preface or introduction. In Quintilian's time, the judges, not ſatisfied to learn what belonged to the cauſe, thought themſelves deſpiſed unleſs they were amuſed with flouriſhes of eloquence As to what he ſays of the Centumviri, in former times they took cogniſance only of private cauſes and of little conſequence; but in his time they were divided into four claſſes, and perhaps theſe four claſſes aſſembled to judge public and capital cauſes. Perhaps alſo, inſtead of Centumviri, we ought to read Triumviri.

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unleſs accuracy appears in thought and expreſſion. It is of no ſignificancy to inſtruct them; they muſt be pleaſed. It is indeed difficult to find a medium in this point, but it may be ſo tempered, as to ſpeak with juſtneſs, and not with too great a ſhew of art.

Another precept inculcated by the ancients, is not to admit into the exordium, any ſtrange word, too bold a metaphor, obſolete expreſſion, or of a poetical turn. As yet, we are not favourably received by the auditory; their attention is ſtill new; but when once they conceive an eſteem, and are warmly inclined towards us, then is the time to hazard this liberty, eſpecially when we enter upon parts, the natural fertility of which does not ſuffer the liberty of an expreſſion to be noticed amidſt the luſtre ſpread about it.

VIII. The ſtyle of the exordium ought not to be like that of arguments, common places, and the narration; neither ought it to be finely ſpun out, or harmonized into periodical cadences; but rather ſimple and natural, promiſing neither too much by words, nor countenance. A modeſt action alſo, devoid of the leaſt ſuſpicion of oſtentation, will better inſinuate itſelf into the mind of the auditor. But theſe ought to be regulated according to the ſentiments we would have the judges imbibe from us.

It muſt, however, be remembered, that no where leſs allowances are made than here, for failing in memory, or appearing deſtitute of the power of articulating many words together. An ill pronounced exordium may well be compared to a viſage full of ſcars; and certainly he muſt be a bad

a bad pilot, who endangers the ſinking of his ſhip, as he is going out of port.

In regard to the extent of the exordium, it ought to be proportionate to the nature of the cauſe. Simple cauſes admit of a ſhorter exordium; the complex, doubtful, and odious, require a longer. Some have preſcribed four points, as laws for all exordiums, which is ridiculous. An immoderate length in it ſhould be equally avoided, leſt, as ſome monſters, it appear bigger in the head than the reſt of the body, and create diſguſt where it ought only to prepare.

Some find fault with an apoſtrophe in the exordium, and will have no other perſons addreſſed but the judges. I grant that this is not without reaſon, it being natural to ſpeak to thoſe chiefly, whom we wiſh to have our cauſe at heart. But a ſpirited manner is ſometimes neceſſary in the exordium, and then this figure will have a good effect. If ſo, by what right, or great ſcruple are we forbid its uſe? It is true, the writers on arts forbid it, not becauſe it is not allowed, but becauſe they think it uſeleſs. But if utility ſhould recommend it, in conſequence of the ſame reaſons that forbid it, we ought to believe it to be very proper. Does not Demoſthenes addreſs himſelf to Æſchines in an * exordium? Does not Cicero do the ſame wherever he thinks proper, and particularly in his oration for Ligarius? Any other turn would make his exordium more languid. To be convinced of this, we need only examine this forcibly pointed ſentence. "You have then, Tubero, what is

* In that of his oration for Cteſiphon.

moſt to be wiſhed for by an accuſer; you have a criminal confeſſing his guilt." If he addreſſed the judge, and ſaid: "Tubero has therefore what is moſt to be wiſhed for by an accuſer;" how great the difference! The firſt way, he preſſes and cloſes in with his enemy; by the ſecond, he would but barely ſpecify the matter. The ſame may be ſaid of the example from Demoſthenes, if given another turn. Does not Saluſt make a direct and immediate apoſtrophe to Cicero, where he ſays; "I ſhould take extremely ill, and be deeply affected by your aſperſions, &c." as Cicero himſelf does to Cataline; "How long will you abuſe our patience?"

That none may be ſurpriſed at the apoſtrophe, we ſee how Cicero, in his defence of Scaurus, accuſed of bribery, makes uſe of a proſopopeia in the beginning of his exordium. For Rabirius Poſthumus, and the ſame Scaurus, accuſed of extortion, he makes uſe of example; and for Cluentius, as above obſerved, of partition. Yet theſe, becauſe ſometimes admiſſible, and with very good effect, ought not to be uſed on all occaſions, but only where reaſon ſhould ſeem to take place of precept. The ſame may be ſaid of ſimilitude, ſo it be ſhort, and metaphors and other figures, (the uſe of which is prohibited by our wary and accurate authors) unleſs one ſhould be diſpleaſed with Cicero's admirable irony in his defence of Ligarius, which I a little before ſpoke of.

But there are real faults in an exordium, which have been juſtly cenſured. Uſing the ſame turn in the exordium of ſeveral cauſes, makes it to be called vulgar; which, however, though not ſo well

well received, is ſometimes adopted to advantage, and has not been declined by great orators. The exordium, which the adverſary may equally uſe, is called common. That, which he may turn to his advantage, commutable. That, which does not coincide with the cauſe, ſeparate. That, which is taken from ſome other ſubject, tranſferred. That, which is long, contrary to precepts. But this is a fault, which may as well be condemned in any other part of the diſcourſe, as in the exordium.

IX. What has been ſaid, regards cauſes requiring an exordium; but it is not always neceſſary, and ſometimes it is ſuperfluous, when the judge is ſufficiently informed of the matter, or when this matter needs no preparation. * Ariſtotle thinks that is of no manner of uſe, when upright judges are to decide the merits of the cauſe. Sometimes, though we might be inclined, we cannot uſe it; when the judge has a deal of buſineſs to diſpatch, when he is ſtraitened by time, or when a ſuperior power obliges the pleader to proceed immediately to the point.

Sometimes too, the import and ſignificancy of an exordium, will take place in other parts of the diſcourſe; for in the narration ſometimes, and in the arguments, we entreat the judges' favour and attention. This Prodicus thinks adviſable, to rouze them, as it were, from a ſtate of oſcitancy. Cicero often has recourſe to this ſtratagem: as, "Afterwards C. Varenus, he who was killed by the ſlaves of Ancharius: this, gentlemen, de-

* Rhet. i. c. 1.

ſerves a particular attention." If the cauſe is marked by a multiplicity of events and circumſtances, each may have its preface: as, "Hear now the reſt;" and "I paſs now to another point." Amidſt proofs likewiſe, many introductions are made in the nature of exordiums. In Cicero's orations for Cluentius and Murena, we ſee with what precaution he acts, and how he excuſes himſelf, when under a neceſſity of ſaying any thing diſagreeable to reſpectable perſons, whoſe authority and intereſt he muſt ſurmount to gain his ends; as in the firſt, ſpeaking againſt the Cenſors; in the ſecond, excuſing himſelf to Servius. But ſo many introductions of this kind occur, that it is unneceſſary to point them out by farther examples.

X. But as often as we uſe an exordium, whether we paſs next to the narration, whether immediately to the proofs, we ought always to preſerve a connection between what follows and what goes before. To proceed from one part to another, by ſome ingenious thought diſguiſing the tranſition, and to ſeek applauſe from ſuch a ſtudied exertion of wit, is quite of a piece with the cold and childiſh affectation of our declaimers. Thus Ovid plays the wanton in his Metamorphoſis; but neceſſity excuſes him, as having worked up an aſſemblage of things very different into the repreſentation of one body. But how is the Orator neceſſitated to ſteal away the tranſition, and deceive the judge, who ſhould have warning to attend to the order of things? He will loſe the firſt part of the narration, if he does not know it is yet begun. But as it ſhould not begin abruptly,

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ſo alſo there ought not to be a ſliding into it ſo inſenſibly as to make it imperceptible to the auditor.

If a long and intricate narration muſt follow, the judge ought naturally to be prepared for it. This Cicero often does, eſpecially in this paſſage: "I muſt * proceed pretty high to clear up this matter to you, which I hope, gentlemen, you will not be diſpleaſed at, becauſe its origin being known, will make you thoroughly acquainted with the particulars deriving from it." This is all that has occurred to me concerning the exordium.

* Pro Cluent. 11.

CHAP. II.

Of the Narration.

I. *That ſometimes there is no occaſion for it.—That it is either of the cauſe, or of things belonging to it.* II. *That it is not always to follow the exordium.* III. *What the narration is. That there are three ſpecies of it.* 1. *That it is either intirely for us; and then it will be enough if it be clear, ſhort, and probable.—How each of theſe may be executed.* 2. *Or it is intirely for the adverſaries; and then indeed the narration is not to be omitted, but recourſe muſt be had to certain remedies.—What is to be obſerved in falſe narrations.* 3. *Or it is equally for both parties.* IV. *Thoſe are refuted who exclude digreſſion, apoſtrophe, proſopopeia, arguments, and paſſions, intirely from the narration.* V. *What ought to be the dreſs of the narration.* VI. *Of the evidence of the narration, and the authority of the perſon that makes it.*

THE judge being prepared in the manner above ſpecified, it is very natural, and it commonly is and ought to be done, to point out the affair on which he is to pronounce judgment. This is the buſineſs of * narration. . .

I. Moſt authors are of opinion, that a narration ought always to be made, which we ſhall ſhew to be falſe for ſeveral reaſons. Firſt, there

* Of narration, ſee Cic. i. Rhet. 12. 16. l. i. de Inv. 27. 30. l. ii. de Or. 326. 330.

are

are cauſes ſo ſhort, as to require rather to be propoſed than told.

This is ſometimes the caſe of the two contending parties, either that they have no expoſition to make, or that agreeing on the fact, they conteſt only the right; as, in a cauſe before the Centumviri: "Whether the ſon, or brother, ought to be heir to him, who died inteſtate?" Secondly, the narration may be ſuppreſſed, when even there is room for it; and this happens when every thing is already known to the judge, or an exact relation has been made by the Orator who ſpoke firſt.

Sometimes one of the contending parties, and moſt commonly the plaintiff, need only propoſe the matter, as moſt to his advantage; and then it will be enough for him to ſay: "I aſk a certain ſum of money due to me according to agreement; I aſk what was bequeathed to me by will." It is the defendant's buſineſs to ſhew that he has no right to ſuch a debt or legacy. On other occaſions, it is enough, and more adviſable for the plaintiff, to point out merely the fact: "I ſay that Horatius killed his ſiſter." This ſimple propoſition makes known the whole crime; but the order and cauſe of the fact will ſuit better the defendant. Let it be ſuppoſed on the other hand, that the fact cannot be denied or excuſed; then the defendant, inſtead of narrating, will beſt abide by the queſtion of right. One is accuſed of ſacrilege for ſtealing the money of a private perſon out of a temple. The pleader of the cauſe had better confeſs the fact, than give an account of it: "We do not deny that this money was taken out of the

temple. It was the money of a private perſon, and not ſet apart for any religious uſe. But the plaintiff calumniates us by an action for ſacrilege. It is therefore your buſineſs, gentlemen, to decide, whether it can be properly ſpecified as ſacrilege."

Though I grant that narration is not ſometimes calculated for ſuch caſes, I diſſent from thoſe, who think it in no reſpect neceſſary, when the defendant only denies what he is charged with. Cornelius Celſus is of this opinion, . and thinks there ought to be no narration but of the chief point in debate. . .

I think indeed, in this ſupported by the authority of good authors, that there are two ſpecies of narration in judicial matters; the one for the cauſe, the other for things belonging to it. "I have not killed that man." This wants no narration. I allow it does not; but there may be a narration, and even ſomewhat long, concerning the probable cauſes of innocency in the accuſed, as his former integrity of life, the adverſary's motives for endangering the life of a guiltleſs perſon, and other circumſtances arguing the incredibility of the accuſation. The accuſer does not merely ſay, "You have committed that murder," but ſhews reaſons to evince its credibility: as, in tragedies, when Teucer imputes the death of Ajax to Ulyſſes, he ſays, that "he was found in a lone place, near the dead body of his enemy, with his ſword all bloody." Ulyſſes, in anſwer, not only denies the crime, but proteſts there was no emnity between him and Ajax, and that they never contended but for glory. Then he relates, how he came into that ſolitary place, how he found Ajax lying

lying dead, and that it was Ajax's own ſword he drew out of his wound. To theſe are ſubjoined proofs: but the proofs too are not without a narration, the plaintiff alledging, "You was in the place where your enemy was found killed." "I was not," ſays the defendant, and tells where he was.

Hence it may be inferred, that cauſes of extortion and bribery can have as many narrations, as there are crimes alledged. Theſe crimes may be denied, and if ſo, a contrary expoſition muſt refute the arguments, ſometimes ſeparately, ſometimes all together. Shall a man accuſed of obtaining dignities by bribery, behave ill, by ſetting forth his pretenſions, on account of his birth, his exemplary life, and the ſervices he has done his country? Or ſhall he, who is accuſed of extortion, not explain to good purpoſe, whatever has been meritorious in his former life, and the cauſes of his incurring the odium of the whole province, or that of his accuſer, or of the witneſſes who depoſed againſt him? If theſe are not narrations, that of Cicero for Cluentius, I mean the firſt, beginning with the words "A. Cluentius Avitus," is not one; as here no mention is made of poiſoning, but only the reaſons why he was hated by his own mother.

There are alſo narrations belonging to the cauſe, but not of the cauſe itſelf, as the circumſtance of * Verres' having put to death a ſhepherd, for making him a preſent of a wild boar he had hunted down. Some other narrations ſeem cal-

* Verr. vii. 7.

culated for exculpating the accuſed in conſequence of ſome circumſtance foreign to the cauſe, as in Cicero for Rabirius Poſthumus: "As ſoon as they came to Alexandria, the only expedient propoſed by the king to Poſthumus for preſerving the money, was his taking upon him the charge of royal treaſurer." And others, for making a perſon more odious, as where Cicero gives a deſcription of the march of * Verres.

Sometimes a fictitious narration is uſed, either to irritate the judges againſt the adverſe party, as in Cicero for Roſcius againſt Chryſogonus; or to amuſe them by ſome pleaſantry, as in his oration for Cluentius againſt the brothers Cepaſii. Sometimes, by way of digreſſion, for ornament ſake, as in the ſame Orator againſt † Verres, who, he ſays, robbed the very places of the ſtatue of Proſerpine, where her mother Ceres had formerly been in queſt of her. All theſe examples tend to ſhew, that not only a narration is made where the fact is denied, but that alſo a narration may fall preciſely on the fact denied.

What I ſaid a little higher up, in regard to the narration being unneceſſary, when the judge is acquainted with the matter, ſhould not be underſtood without an exception, unleſs he knows, not only that ſuch a thing has happened, but alſo how, and in what manner it happened, according to the opinion we would have him entertain of it. For the end of the narration is rather more for perſuading than informing. When therefore the

* Verr. vii. 26, &c.
† Verr. vi. 105, &c.

judges

judges might not require information, yet, if we apprehend it adviſable to draw them over to our way of thinking, we may relate the matter with certain precautions; as that though they have a knowledge of the affair in general, ſtill would it not be amiſs, if they choſe to examine into every particular fact, as it happened. Sometimes we may pretend to repeat it for them on account of ſome newly created judge; ſometimes, that the ſtanders-by may know the iniquity of the adverſary's proceeding; and here, to guard againſt the loathing all repetition uſually creates, we ſhould diverſify the expoſition with a variety of figures and turns: as, "You remember." "Perhaps it would be unneceſſary to inſiſt any longer on this point." "But why ſhould I ſpeak farther, when you are ſo well acquainted with the matter." So that, to condemn intirely the narration, becauſe the judges have a proper knowledge of the affair in queſtion, would be to condemn the whole ſpeech, which by the ſame reaſon might not ſeem always neceſſary.

II. Another queſtion, but the ſubject of a more frequent diſcuſſion, is to know, "Whether the narration ought to follow immediately the exordium." They, who think it ſhould, ſeem to have ſome reaſon on their ſide; for as the deſign of the exordium is to diſpoſe the judges to hear us with all the good will, docility, and attention, we wiſh for; and as arguments can have no effect without a previous knowledge of the cauſe, it follows naturally they ſhould have this knowledge as ſoon as it can conveniently be given them.

The condition, however, of cauſes makes ſome alteration

alteration in this reſpect; and if it did not, Cicero, in that fine oration he left written for Milo, might ſeem to have miſplaced his narration, by propoſing three prior queſtions. Either then it would be better to relate how Clodius lay in wait to attempt Milo's life, if it was not lawful to plead the cauſe of a criminal, who had confeſſed himſelf guilty of manſlaughter; or if Milo was prejudged as guilty by the ſenate; or if Pompey, who for certain reaſons had blocked up all the avenues to the ſenate-houſe with an armed force, had done ſo with the view of being ſuppoſed Milo's enemy. Cicero likewiſe for * Murena, but in a way different from this, does not begin the narration, till he refutes the adverſary's objections. This method may be uſed to advantage, as often as the crime is not only to be made void, but alſo charged upon another; for by annulling the imputation of guilt, the narration may afterwards be very ſeaſonably entered upon, to inſinuate that another is the guilty perſon: and thus it is in the art of fencing, the care of putting one's ſelf in a poſture of defence precedes that of attacking.

There are often cauſes, wherein not ſo much the crime in queſtion is difficult to be made void, as a number of others, of a heinous nature, which have contributed to make the party noted for infamous practices. What muſt be done in this caſe to efface the ideas of what is paſt, and induce the judges to take cognizance of the preſent affair with a benevolent inclination, and without preju-

* Others read *for Varenus*; which oration is not extant In that for Murena, there is no narration.

dice? Suppoſe the defence of M. Cœlius is to be made. Should not his advocate, firſt, quaſh the ſcandalous reports of his luxury, debauchery, and proſtitutions, before he ſpeaks of the crime of poiſoning he ſtands charged with: next, ſhould he not fall inſenſibly on his good qualities; and laſtly, on the ſtreſs of the preſent cauſe? Cicero has eminently acquitted himſelf of all theſe particulars. . .

III. We may now paſs to the manner of narration, which is of a thing done, or * ſuppoſed to be done, and is conceived in a way proper to perſuade; or it is, as Apollodorus defines it, a diſcourſe informing the auditory of the matter in diſpute.

Moſt writers, thoſe eſpecially that follow the opinions of Iſocrates, will have it to be clear, ſhort, and probable. . The ſame diviſion has alſo my approbation; though Ariſtotle in one reſpect diſſents from Iſocrates, making a jeſt of the precept of brevity, as if narration, neceſſarily long or ſhort, admitted no medium. The diſciples of Theodorus receive only the veriſimilitude, becauſe it is not always of ſervice to give a brief and clear account of a thing. The conditions of each muſt therefore be carefully diſtinguiſhed, in order to know how we may properly avail ourſelves of them.

The narration is either intirely for us, or intirely for the adverſary; or partly for us, and partly for the adverſary.

* For the thing narrated, ought to be true, or indeed probable.

1. If it be intirely for us, we may content ourſelves with thoſe three parts, whereby the judge is made the more eaſily to underſtand, remember, and believe. But let none think of finding fault, if I require the narration which is intirely for us, to be probable, though true; for many things are true, but ſcarce credible, as, on the contrary, many things falſe, though frequently probable. We ought therefore be careful that the judge ſhould as much believe what we feign as the truth we ſay, by preſerving in both a probability to be credited.

Theſe three qualities of the narration belong in like manner to all other parts of the diſcourſe; for obſcurity muſt be avoided throughout the whole action, and we muſt every where keep within certain bounds, and all that is ſaid muſt be probable; but a ſtrict obſervance of theſe particulars ought more eſpecially to take place in that part wherein the judge receives his firſt information, in which if it ſhould happen, that he either does not underſtand, remember, or believe, our labour in all other parts will be to no purpoſe.

The narration will be clear and intelligible, if firſt, it be expreſſed in proper and ſignificant words, which have nothing mean and low, nothing far fetched, nothing uncommon. Secondly, if it diſtinguiſhes exactly things, perſons, times, places, cauſes; all which ſhould be accompanied with a ſuitable pronunciation, that the judge the more eaſily may retain what is ſaid.

This is a quality neglected by moſt of our Orators, who charmed by the applauſes of a rabble raked together by chance, or even bribed to applaud

plaud with admiration at every word and period, can neither ſuffer the attentive ſilence of a judicious auditory, nor ſeem to themſelves eloquent, unleſs they make every thing ring about them with tumultuous clamour. To explain ſimply the fact, appears to them too low, and common, and within the reach of the illiterate; but I fancy what they deſpiſe as eaſy, is not ſo much out of inclination, as the inability of effecting it. For, the more experience we have, the more we find that nothing is ſo difficult, as to ſpeak in ſuch manner, that all, after they have heard us, might think they could acquit themſelves equally as well. The reaſon for the contrary notion is, that what is ſo ſaid is conſidered as merely * true, and not as fine and beautiful. But will not the Orator expreſs himſelf in the moſt perfect manner, when he ſeems to ſpeak truth? Now, indeed, the narration is laid out as a champion-ground for eloquence to diſplay itſelf in: the voice, the geſture, the thoughts, the expreſſion, are all worked up to a pitch of extravagance; and what is monſtrous, the action is applauded, and yet the cauſe is far from being underſtood. But we ſhall wave farther reflections on this miſguided notion, leſt we diſoblige more by reproving faults, than oblige by giving advice.

The narration will have its due brevity, if we begin by explaining the affair from the point where it regards the judge; next, if we ſay nothing foreign to the cauſe; and laſtly, if we re-

* When a thing is clearly and ſimply explained, they think a narration of the ſort, becauſe wanting the charms of figures, is not *bona*, perfect; but only *vera*, true.

trench all ſuperfluities, yet without curtailing any thing that may give an inlight into the cauſe, or be for its advantage. There is a certain brevity of parts, which however, makes a long whole: "I came to the harbour, I ſaw a ſhip ready for ſailing, I aſked the price for paſſengers, I agreed for what I ſhould give, I went aboard, we weighed anchor, we cleared the coaſt, and ſailed on briſkly." None of theſe circumſtances could be expreſſed in fewer words, but it is ſufficient to ſay: "I ſailed from the port." And as often as the end of a thing ſufficiently denotes what went before, we may reſt ſatisfied with it, as facilitating the underſtanding of all other circumſtances. When therefore it may be expreſſed with propriety, "I have a grown-up ſon," all incidental circumſtances would be ſuperfluous; as, "Deſirous of having children I married a wife, had a ſon by her, gave him proper education, and brought him up to man's eſtate."

But often ſtriving to be ſhort, we become obſcure, a fault to be equally avoided, and therefore it is better the narration ſhould have, than want. What is redundant, diſguſts; what is neceſſary, is retrenched with danger. Saluſt's conciſeneſs and abrupt manner is not to be imitated, though in him a perfection. It may leſs perhaps eſcape an attentive reader, but flies from ears without a return. A reader is commonly a perſon of letters, whereas our * judges often quit their rural occupations, to take upon them that function;

* Of the judges, many employed in agriculture, dwelt in the country; whence they came to town to act as judges. They were divided into wards, or certain precincts.

and

and how ſhall they know matters, unleſs clearly explained? So that, as much as is neceſſary, and as much as is ſufficient, may be a rule in all reſpects, and eſpecially for narration.

I would not have this rule reſtricted to what is barely ſufficient for pronouncing judgment on; becauſe the narration for being conciſe, muſt not therefore be without ornament. In ſuch caſe it would appear as coming from an illiterate perſon. Pleaſure, indeed, has a ſecret charm; and the things which pleaſe ſeem leſs tedious. A pleaſant and ſmooth road, though longer, fatigues leſs than a rugged and diſagreeable ſhort cut. I am not ſo fond of conciſeneſs as not to make room for illuſtrating a narration with proper embelliſhments. If quite homely and curtailed on all ſides, it will be, not ſo much a narration, as a poor huddling up of things together.

Some narrations from the nature of the cauſe require a good length, and as I directed, the judges ought to be prepared for them in the latter part of the exordium. Afterwards, all poſſible art ſhould be uſed to abate ſomething of this length, or to find means for remedying the diſguſt it may occaſion.

The length is abated by transferring as much as we can, to another part of the diſcourſe, yet mentioning what we ſo transfer: as, "The motives he had for committing this murder, who were his accomplices, how he lay in wait, is what I ſhall ſpeak of in the proofs." Some things may be omitted in the order of the affair, as by Cicero for Cecinna: "Fulcinius dies. I ſhall deſiſt from

from a farther detail of circumſtances, as not eſſential to the cauſe."

Diſguſt is remedied by dividing the matter: "I ſhall ſpeak of what paſſed before, at, and after the time of making this contract." Thus, it may ſeem that it will be leſs one long narration, than three moderate ones. Sometimes, it may not be amiſs to diſtinguiſh each point by a ſhort notice: "You have heard how the affair began; hear now its progreſs." In this manner, the judge will be glad to ſee an end put to the firſt parts, and will prepare himſelf, as it were, for a new beginning.

But, if notwithſtanding all theſe precautions, the order of things ſhould lead too far, it will not be amiſs to conclude each point by a ſort of recapitulation, which Cicero does, even in a ſhort narration: "As yet, Cæſar, no guilt appears in Ligarius; nothing can be laid to his charge. He left home, not only, not with any deſign of engaging in a war, but even when there was not the leaſt ſuſpicion of a war."

The beſt way for making the narration probable is, by having firſt conſulted with ourſelves on whatever is agreeable to nature, that nothing may be ſaid contrary to it; next, if we have found cauſes and reaſons for facts, not for all, but for thoſe belonging to the queſtion; and laſtly, if we have characters anſwerable to the alledged facts which we would have believed; as if one guilty of theft, we ſhould repreſent as a miſer; of adultery, as addicted to impure luſts; of manſlaughter, as hot and raſh. The contrary takes

takes place in defence, and the facts muſt agree with time, place, and the like.

There is a kind of coincidence for making a thing credible, of which numerous examples occur in dramatic compoſitions; and ſome things ſo naturally follow, and chime in with each other, that if what goes before be properly related, the judge himſelf will give a gueſs at what is to follow.

It will alſo have no bad effect to diſſeminate the narration with proofs; but ſo ſlightly, as to keep in mind that it is a narration, and not a proof. Sometimes what is propoſed may be confirmed by ſome plain and ſhort argument, as in a caſe of poiſoning. "He was in perfect health when he drank; at the ſame inſtant he fell down dead, and immediately his body became bloated and livid." Preparations too have a like effect; as when the accuſed is ſaid to be ſtrong, armed, and ready for encountering a weak, defenceleſs perſon, and apprehenſive of no harm. And, indeed, whatever is treated of in the proofs, perſon, cauſe, place, time, inſtrument, opportunity, may be touched upon in the narration.

If we ſometimes cannot have recourſe to theſe means, as it may happen, we may acknowledge that the crime is ſcarce credible, but that it is not leſs true, and therefore more heinous; that we neither know upon what account, nor how it was committed; that we are indeed ſurpriſed at its enormity; but that, however, we ſhall prove it to have exiſted.

But of all preparations the beſt are thoſe which ſeem to have no deſign. In this view Cicero, though he gives a very plauſible turn to, and ſets

in a favourable light, all he ſays in regard to Clodius's being the aggreſſor; yet nothing can be ſo exquiſitely contrived for the good of the cauſe as his very ſubtle imitation of ſimplicity: "As for Milo, my lords, having been in the ſenate-houſe that day, as long as the houſe continued ſitting, he came home, he changed his ſhoes and robes, he waited ſome time, till his wife, as is uſual, got herſelf ready." How eaſy and placid Milo ſeems to be, and how different from a man of hurry, or one who had any ill deſign in his head! This reflection is the natural reſult of the ſlowneſs this eloquent man embaraſſes the departure of Milo with, which is ſtill repreſented in a more ſtriking manner by common and vulgar words, uſed deſignedly to cover the artifice. Any other way of expreſſing himſelf would have put the judges on their guard againſt him. Theſe things may ſeem cold to many; yet it is manifeſt the judges might have been brought into a deception by a thing, which the reader hardly ſees into.

Such are the methods that make a narration probable; for not to ſay in the narration things contrary or repugnant to each other, if one ſhould require ſuch a precept, it would be in vain to give further inſtructions, though ſome writers of arts have greatly prided themſelves for the diſcovery of this precept, as ſomething very judicious.

To theſe three qualities, which every narration ought to have, ſome add magnificence, as if all ſorts of ſubjects were ſuſceptible of it, as if a pompous and magnificent narration was proper in private cauſes, wherein the queſtion may concern loans and bargains, the letting of houſes, and the like.

like. Neither is this magnificence always of any advantage, as may appear from the above example of the oration for Milo; and we ſhould remember, that there are many cauſes, in which it will be neceſſary to confeſs, or palliate, or extenuate the crime, to all which the quality of magnificence is foreign. So that it is no more eſſential to the narration to ſpeak magnificently, than it is to excite pity, hatred, or to uſe a grave, ſmooth, or polite ſtyle. All theſe are very good in their own place, but to imagine they are peculiarly calculated for narration, is a miſtake.

I ſay as much of another quality Theodectes aſſigns it, though not more ſuitable to it, than to any other part of the diſcourſe. This is agreeableneſs.

To theſe ſome add evidence; and I muſt not diſſemble that * Cicero goes ſtill farther, for beſides admitting perſpicuity, brevity, and probability, he will have an evidence, agreeable to the manners and characters of perſons ſupported by a certain dignity. Indeed, in all parts of the diſcourſe, and not in the narration only, this agreement of manners with dignity, ought to take place, if it well can. As to evidence, I believe it very neceſſary, when the fact muſt be made ſenſible, but it may be included in perſpicuity. Others, on the contrary, reject evidence, becauſe in ſome cauſes the truth ought to be diſguiſed. This I take to be a ridiculous notion; for he who diſguiſes truth, ſubſtitutes falſehood to it, and conſequently muſt

* In Top. 97.

ſtrive to demonſtrate that it is evident, which is abſurd.

2. But as chance has led us inſenſibly to the more difficult kind of narration, I mean that which is againſt us, we ſhall now ſpeak of it. Some think, that in this caſe no narration ſhould be made. Nothing, indeed, could be more eaſily done, if the whole cauſe likewiſe was not to be ſet aſide. But if your motives are good for undertaking ſuch a cauſe, can there be any art in confeſſing its badneſs by ſilence? Unleſs perchance you fancy the judge ſo ſtupid as to pronounce in your favour on a thing, you was unwilling to give him any information of. I do not diſown, that as in a narration, there are ſome things to be denied, ſome to be added, ſome to be changed; ſo alſo, there are ſome we ought to keep ſilence on; but we ought not to be ſilent, but where we are at liberty to ſpeak or not to ſpeak; which is ſometimes done for brevity's ſake, as "He anſwered what he thought proper."

Let us therefore diſtinguiſh between theſe kinds of cauſes. In ſome, there is no queſtion of the crime, but of the default or form of the * action; and then we may confeſs every thing. "He robbed a temple, but it was of money, the property of ſuch a perſon; therefore he is not juſtly accuſed of ſacrilege." But in ſuch confeſſions the odium occaſioned by the adverſary's narration, may alſo admit of being extenuated. Our ſlaves excuſe their faults, why then ſhould not the free be

* He underſtands the definitive ſtate, as appears by the following example.

allowed

allowed to do the ſame? We may likewiſe ſoften ſome things by a ſort of indirect narration. "He did not, as the adverſary would fain inſinuate, come into the temple with a deſign of plunder: his deſign was not premeditated. It was opportunity, the abſence of the keepers, and the ſight of this treaſure, a powerful temptation, that prompted him. But no matter, he tranſgreſſed, and is guilty of privately ſtealing. It ſignifies nothing to defend that, for which we do not decline puniſhment." Sometimes we act as if we condemned the party ourſelves.

Sometimes a cauſe may be prepared by a propoſition, and afterwards narrated. All circumſtances are unfavourable to three ſons, who had conſpired againſt their father's life. They caſt lots who ſhall ſtrike the blow. He, on whom the lot falls, enters by night into his father's bedchamber with a poinard, but had not courage to put the deſign in execution. The ſecond, and the third do the ſame. The father wakes. All confeſs their wicked deſign; and by virtue of a law, in ſuch caſe made and provided, they are to be diſinherited. But ſhould the father, who has already made a partition of his eſtate in their favour, plead their cauſe, he may proceed thus: "Children are accuſed of parricide, whoſe father is ſtill alive; and they are ſued in conſequence of a law, that is not properly applicable to their caſe. I need not here give an account of a tranſaction that is foreign to the point of law in queſtion; but if you require a confeſſion of my guilt, I have been a hard father to them, and rather too attentive to hoard up the income of my eſtate, which would

have been better ſpent in neceſſaries for them." Afterwards, he may ſay that they did not form this deſign of themſelves; that they were inſtigated to it by others who had more indulgent parents; that the event clearly ſhewed they were not capable of ſo unnatural an action; that there was no neceſſity for obliging themſelves by oath, if in reality they could have had ſuch an inclination; nor of caſting lots, if each did not want to rid himſelf of perpetrating ſuch a crime.—All theſe particulars, ſuch as they are, will be favourably received, as ſoftened in ſome meaſure by the ſhort defence of the previous propoſitions.

But when the queſtion concerns the exiſtence and quality of the fact, though all ſhould be againſt us, how ſhall we avoid narration without endangering the cauſe? The accuſer related the affair, and not as it was tranſacted; he brought an odium upon us; he aggravated matters juſt as he fancied; he corroborated what he ſaid by arguments; he fired the judges with his peroration, and left them replete with indignant emotions. They naturally expect how we ſhall relate the matter; and if we make no reply, they muſt neceſſarily believe all that the adverſe party have urged againſt us.

Well, and muſt we relate the ſame things? We muſt, but not after the ſame manner, when the queſtion is on the quality of the crime, which happens, as often as the fact is not conteſted. Other reaſons and motives may be pleaded. Some things will admit of being moderated or extenuated by leſs harſh words. Debauchery may be ſoftened by the appellation of chearfulneſs, avarice

by

by that of œconomy, neglect by that of inattention. In ſhort, the air of the countenance, the tone of voice, an appearance of diſtreſs, may procure ſome favour or pity; and ſometimes alſo an humble confeſſion may incline hearts to mercy.

I would now aſk thoſe of the contrary opinion, whether they pretend to defend or not, what they will not relate. For if they neither defend, nor relate the matter, they betray the whole cauſe. But if they deſign to defend it, at leaſt it ſhould ſeem that they ought to propoſe what they undertake to maintain. Why therefore muſt not we explain that which alſo is liable to be refuted? That this may happen, it muſt neceſſarily be pointed out. Or what other difference is there between the proof and narration, than that the narration is a continued propoſition of the proof, and the proof reciprocally a proper confirmation of the narration?

We ſhould therefore conſider whether this expoſition ought not to be fuller and longer than ordinary, on account of the preparation and arguments inſerted in it; I do not mean argumentations but arguments, the force and efficacy of which will conſiſt in frequent affirmations. In order alſo, to make what we ſay to be attended with good effect, we may intimate to the judges, that it is not poſſible to ſatisfy every particular in the firſt expoſition; and that they will be pleaſed to wait, and to ſuſpend their judgments, and to hope for the beſt from us. Laſtly, the narration muſt differ in all the reſpects it poſſibly can from that of the adverſary, or the exordium muſt be ſuppreſſed as ſuperfluous, which in this kind of cauſes may

be thought, as ſerving only to diſpoſe the judge for the knowledge of the fact. But it is evident, that the exordium is no where elſe ſo neceſſary, as when the mind of the judge muſt be made to diveſt itſelf of any prejudice it had conceived againſt us.

In regard to cauſes, whoſe ſtate is conjectural, and where the fact conſtitutes the queſtion, the narration is not ſo often of the point conteſted, as of the things that ſerve to clear it up; which when the accuſer couches in terms of violent preſumption that they muſt have ſo happened, the accuſed on his ſide is to ward off the ſuſpicion; and ſo it is that their reſpective narrations muſt be different.

But ſhould it be ſaid that arguments * crouded together are of ſome weight, whereas ſeparate they make but languid impreſſions, I anſwer that this regards the manner of the narration, and not whether the narration ought to be made. What ſhould hinder the muſtering together of arguments in the narration, if conducive to the good of the cauſe? The ſame may be ſaid of promiſing to prove the thing elſewhere by further arguments, of dividing the narration, of proving every part, and ſo paſſing to what follows.

I am not likewiſe of the opinion of thoſe, who think that the facts ought always to be related in

* This is objected to Quintilian by thoſe, who, when the whole cauſe is againſt us, are of opinion that the narration ſhould be ſuppreſſed. Then they ſay no narration is to be made, unleſs accompanied by many arguments, which of themſelves ſupport and ſtrengthen a bad cauſe. But when there is a ſet narration, it neceſſarily happens, that the arguments, which muſtered together, might have ſome force, muſt appear weaker, when disjoined and ſcattered through the whole narration.

the

the ſame order they happened. That manner of narration is beſt, which is moſt to the advantage of the cauſe; and it may, not improperly, call in the aid of a diverſity of figures. Sometimes, we may pretend that a thing eſcaped us, to make room for expreſſing it better than in its own order and place; aſſuring the judges at the ſame time that we ſhall reſume the proper order, as the cauſe, by what we ſay, will be better underſtood. Sometimes, having explained the whole affair, we may ſubjoin the antecedent cauſes. And thus it is, that the art of defence, not circumſcribed by any one invariable rule, muſt be adapted to the nature and circumſtances of the cauſe; in this, ſo far reſembling the condition of a wound, which muſt have proper applications directly; or, if the cure can be deferred, muſt be left bound up.

Neither do I think it a wrong ſtep to make ſeveral narrations. Cicero has done ſo in his oration for Cluentius. It is not only allowable, but alſo ſometimes neceſſary, as in cauſes of extortion, and all ſuch as are not ſimple. To be ſcrupulous in regard to the violation of precepts, ſo as to be tied down to them contrary to the good of the cauſe, is next to madneſs. The narration has been therefore appointed to be placed before the proofs, that the judge might not be ignorant of the matter in debate. Why therefore, if every thing is to be proved or refuted, ought not alſo every thing to be related? If my own experience be of any account, this indeed was my practice at the bar, as often as I ſaw it neceſſary, and with the approbation too of the learned, and thoſe who were the judges: and, that I may not ſeem to arrogate any

thing

thing to myſelf, as many are ſtill living who can juſtify my aſſertion, amongſt the ſeveral advocates who were to plead the ſame cauſe, I was the perſon uſually appointed to ſtate it. I do not, however, pretend, that it is not better for the moſt part to follow the order of facts. Sometimes, it would be even ridiculous to change it; as, if one was to relate that a woman was delivered of a child, and afterwards conceived; or that a will was opened, and afterwards ſealed. In ſuch caſes, if what is ſubſequent is mentioned, it is beſt to be ſilent on that which is prior to it.

There are alſo falſe narrations, and of theſe two ſorts are in uſe at the bar. The one, is helped by certain * inſtruments; ſo Clodius, by the means of ſuborned witneſſes, proved that he was at Interamnæ, the ſame night that he had committed an inceſt at Rome. The other is indebted for its probability to the orator's ingenious manner of giving it that ſpecious colouring . . But in either caſe, it ſhould be a principal care, that whatever is invented, may retain a poſſibility of being effected; and in the next place, that it agree with perſon, time, and place, and have a credible reaſon and order, and a connection, if it can ſo happen, with ſomething true, or to be confirmed by ſome argument belonging to the cauſe, as thoſe quite foreign to it muſt diſcover the impoſture.

Another care incumbent on thoſe that hazard fictions, is to guard againſt contradicting themſelves. Some things conſidered ſeparately are paſſable, but collated are inconſiſtent. Nothing,

* Theſe are properly *unartificial proofs*, or what may tend to enforce an *alibi* evidence.

beſides,

beſides, of what is alledged, ſhould be contrary to what is true in the cauſe. The orator too ought conſtantly to keep in mind every falſe allegation, for nothing is ſo eaſily forgot, and the vulgar maxim is true, which ſays, that "a liar ought to have a good memory."

It muſt be remembered likewiſe, that whatever is invented, ſhould be ſo ordered, as not to run counter to the depoſition of a witneſs. There are things ſaid as we fancy, which none are privy to but ourſelves. No body will deny an inſtrument ſuppoſed to be the deed of a deceaſed perſon: They, in the ſame intereſt with us, will keep the ſecret; and though the adverſe party may accuſe us of forgery, they will not therefore be the more credited. Add hereto, the arguments deduced from dreams and ſuch like ſuperſtitions, which have loſt all belief, becauſe nothing is eaſier than to have recourſe to ſuch frauds.

But it will not be enough to make the narration plauſible by ſpecious colours, unleſs conſiſtent with the whole action; and more eſpecially, when certain things are not proved without obſtinately adhering to, and inſiſting on them: ſuch is the caſe of the paraſite, who obſerving a young gentleman three times diſinherited, and * diſmiſſed from all paternal care and juriſdiction, by a rich 'ſquire, took it into his head to aſſert that this

* *Abſolutum* in the text, properly ſignifies *liberum*, diſcharged as free to ſhift for himſelf as well as he could. Valerius writes, that if a ſon ſhould be three times diſinherited, he cannot again, againſt his inclination, be brought back again into his father's family, and under his power and juriſdiction.

young

young gentleman was his [the paraſite's] own ſon. He will have ſome colour in alledging, that poverty obliged him to make a foundling of his ſon; but that to have the opportunity of ſeeing him taken care of, he had perſonated the paraſite in the 'ſquire's houſe; and that this innocent young man was three times diſinherited, becauſe in fact he was not the ſon of him who had diſinherited him. Theſe, in the main, are ſpecious arguments; but if all his words do not expreſs, in the moſt lively and tender manner, a fatherly affection; if they paint not in proper colours the hatred of the 'ſquire for this youth, and the danger he is expoſed to from abiding in a family that abhors him, he will undoubtedly be conſidered as an * impoſtor. . .

3. If the narration be partly for, and partly againſt us, we muſt endeavour to judge from the condition of the cauſe, whether the narration ought to be mixt or ſeparate. If there be more things to our diſadvantage, whatever we may avail ourſelves by, will run the riſque of being overpowered. In this caſe, it will be adviſeable to place a diſtinguiſhing mark between them, and having explained and confirmed the things that are for us, we may have recourſe to the above preſcribed methods for weakening or deſtroying the reſt. If more things are for than againſt us, we may join them together, placing what is againſt us in the center, like ſo many auxiliary troops, hemmed in, to be kept from doing harm. None of either, however, muſt appear as they

* In the text, *ſubjecti petitoris*, as one maliciouſly ſuborned to involve the 'ſquire in a law-ſuit.

are;

are; but as we proceed, our own muſt be confirmed by ſome proof, and the probability of the others invalidated by ſome ſubſtantial reaſon; becauſe if not thus qualified, the ſpreading contagion may infect that which is ſound.

IV. Beſides the precepts hitherto mentioned, there are ſome others, which are alſo uſually preſcribed for the narration. Theſe are, that there ſhould be no digreſſion from it; that none ſhould be addreſſed in it but the judge; that another perſon ſhould not be made to ſpeak; that no argument ſhould be made in form; and as ſome add, that the paſſions ſhould not be moved. Theſe precepts ought to be generally obſerved, and never changed, but from ſome cogent reaſon, that the narration may be clear and ſuccinct.

Digreſſion takes place but very ſeldom, and when it does, it ought always to be ſhort, and ſuch as may ſhew that we are driven out of our ſtrait road by a violent guſt of paſſion. Thus * Cicero on the marriage of Saſſia: "O wickedneſs without example, and a wickedneſs incredible, did it not appear in this woman! What an unbridled and ungovernable luſt! What an unparalleled impudence and audaciouſneſs! Not to have dreaded, if not the avenging power of the Gods and the indignation of men; at leaſt, that very night and the nuptial torches, witneſſes of her impurity; and not to have been ſhocked at the ſight of the very chamber, the bed, the walls even, which called to her re-

* In his oration for Cluentius, n. 15.

membrance

membrance the chaſte nuptials of her daughter."

An apoſtrophe, or turning the diſcourſe from the judge, is very proper to point out a thing in few words, and is alſo very ſmart in reprehenſion. What I therefore ſaid of that figure, and of the proſopopeia, in regard to the exordium, is applicable to the narration. Servius Sulpitius made uſe of the firſt in the cauſe of Aufidia; "Is it a drowſineſs, or lethargy, that poſſeſſes you?" And Cicero of the ſecond, in one of his pleadings againſt * Verres. It is the narrative of a converſation between an officer of Verres and the mother of ſome unhappy perſon unjuſtly detained in priſon. "To have the liberty of ſeeing your ſon, you ſhall give me ſo much, &c." In his defence of Cluentius, does he not make Stalenus diſcourſe with Bulbus, and does not their converſation give an air of truth to all he relates? Leſt then he might be thought to have employed ſuch figures without much reflection, which is not credible in him, he thus explains himſelf in his † partitions: "Let the narration have ſweetneſs, let it cauſe ſurprize, let it keep the mind in ſuſpenſe, let it be interſperſed with dialogues, and let it ſpeak the language of all the paſſions."

I before obſerved that we muſt never proceed to argumentation in the narration, but may ſometimes inſert in it an argument, as Cicero does for Ligarius: "He ſo governed his province, that nothing was of more advantage to him than peace." We may likewiſe, as we re-

* Verr. vii. 105, and 116. † N. 31. 32.

late the fact, juſtify it by a few words; for we muſt relate things not as witneſſes, but as orators. "Quintus Ligarius departed with C. Conſidius for Africa." This is the order of the fact. How does Cicero turn it? "Quintus Ligarius, when there was no ſuſpicion of a war, departed with C. Conſidius for Africa." And in another place, "Quintus Ligarius left Rome, not only without the leaſt deſign of engaging in a war; but alſo, when there was not the leaſt rumour or appearance of a war." To point out the matter, it would be ſufficient to ſay: "Quintus Ligarius would never engage in any party affair;" but Cicero adds, "Quintus Ligarius, ſighing after his home, and full of ſollicitude to return to his family." Thus what he related, he made more credible by reaſons, and more animated and affecting by ſentiments.

I am therefore the more ſurpriſed at thoſe, who think no uſe ought to be made of the paſſions in the narration. If they ſay, they may be uſed ſparingly, and not as in the peroration, I am of their opinion: for we muſt avoid being tedious. But why ſhould I not, when I inſtruct the judge, move him likewiſe? And if I am willing to gain my point in the latter part of the action, why ought I not endeavour to do it in the beginning, when eſpecially, even in the proofs, I may influence his mind by poſſeſſing it with indignation or pity?

What emotions did not * Cicero excite by a ſhort deſcription of the puniſhment of a Roman

* Verr. vii. 161.

citizen,

citizen, whom Verres had raſhly condemned to be laſhed? He laid open not only the kind of puniſhment, the circumſtance of the place, the condition of the perſon; but alſo his magnanimity, as in the midſt of ſtripes, he had neither recourſe to prayers nor tears, but ſaid only that he was a Roman citizen, a word which kindled anew the rage of Verres, and made him ſenſible of his injuſtice. What ſhall I ſay of the lively colours by which he paints the cruelty of Verres, exerciſed on * Philodamus? He not only fired the hatred of the judges againſt him, but by relating the circumſtances of the puniſhment, forced tears from their eyes. They were not merely hearers, but ſpectators; they were eye-witneſſes, I may ſay, to a father and ſon, ſacrificed in preſence of each other to the rage of this monſter, the father deploring the misfortune of the ſon, and the ſon that of the father. What can any peroration have more affecting? To wait till the end of the diſcourſe, for moving compaſſion on things you related without concern, would be too late. The judge, who was not touched by the recital you made, will ſhew the ſame cold indifference in the peroration; for it is a hard matter to change the diſpoſition of a mind once fixed.

V. I ſhall not diſſemble my own opinion, though what I am about to ſay is more built on example than precept: I mean, the narration in a more eſpecial manner than any other part of the diſcourſe, ought to be embelliſhed with graces and

* Verr. iii. 76.

beauties:

beauties: but it is of vaſt ſignificancy to be acquainted with the nature of the thing we relate.

In leſs conſiderable cauſes, as are commonly all private ones, the dreſs ſhould ſit cloſe; and be exactly fitted, as it were, to the thing. The expreſſion, which in a common place, flows with rapidity, and is not diſcernible on account of the richneſs ſpread about it, ought in the narration to be conceived with the greateſt accuracy. Every word muſt be proper, and, as Zeno ſays, tinged with a ſenſe of the thing ſpoken of. The compoſition ſhould be ſimple in appearance, yet the manner elegant, with figures rather not poetical, nor boldly hazarded, as thoſe of the ancients, and now contrary to the ſtandard of language. The diction, as pure as poſſible, averting by variety a ſenſe of loathing, and recreating the mind by changes; that there may not be a ſameneſs of cadence, a ſimilarity of collocation, and periods made up of an equal number of ſyllables. All other attractive charms are foreign to a narration of this ſort, and unleſs commendable by ſuch as we have mentioned, it muſt of courſe be flat and lifeleſs. A judge is never elſewhere ſo attentive, and nothing well ſaid eſcapes him. It happens alſo, I know not how, that pleaſure begets perſuaſion, and that what the auditory find agreeable, they are moſt commonly induced to believe.

If the cauſe is on a matter of ſome conſequence, there is full liberty to relate things of a heinous nature in a manner proper to excite indignation; and mournful things in a way that may ſtir up the feelings of compaſſion. But theſe ſenſations are not to be worked up to a degree of being exhauſt-

ed; rather, as obſerved in painting, they ought only to be delineated, a few touches of the pencil ſerving to ſhew a ſketch of the deſigned figure. It will not be improper alſo to awake the attention of the judges by ſome ingenious obſervation, but ſhort, as that in the oration for Milo: "Milo's domeſtics did then, my lords, what every one would be glad theirs ſhould do on a like occaſion." Sometimes, by a bolder one, as * this: "A mother-in-law marries her ſon-in-law, without any good motive to authorize this proceeding; without conſulting her relations and friends; ominous preſages on all ſides boding nothing but maledictions on her head." If this was not unfrequently practiſed in thoſe times, when the pleading had more in view the good of the cauſe, than a diſplay of eloquence, and when trials were ſtill conducted according to the rigour of the law; by how much the more ought it not to be now admitted, when pleaſure forcibly breaks in upon cauſes, wherein nothing leſs is debated than men's lives and fortunes. I ſhall ſpeak † elſewhere of rectifying the taſte of our age, which at preſent muſt meet with ſome indulgence.

VI. A ſenſible image of things heightens the graces of what is true in a narrative, and ſeems ‡ actually to place it before the eyes of the auditor. Such is the deſcription ‖ Cælius makes of Antony. "They

* Cicero for Cluentius, 14.

† In the 4th part of the introduction to B. viii. and c. 3. of the ſame book.

‡ See examples of this in Cicero for Roſcius Amerinus, n. 98. Verr. 7. n. 105 and 161, &c.

‖ This paſſage is not printed in Rollin's edition. Perhaps he thought it not fit for the curious eye of a youth, and therefore

"They found him, ſhall I tell you, in what condition? Figure to yourſelves a man intoxicated by liquor, plunged into a profound ſleep, ſnoring prodigiouſly, and belching forth the noxious vapours of wine, with which he was almoſt ſuffocated! Figure to yourſelves the very good ladies that proſtituted themſelves to his impurities! Behold ſome of them lying toſſed on each other upon beds and ſquabs, in poſtures, I cannot aſſure, extremely modeſt; and others ſtretched here and there, as wine and chance would have it! At the noiſe and approach of the enemy, the women are rouzed; a panic ſeizes them; they all run for help to their hero. One calls him by his name; another hauls him out of bed; another whiſpers ſoftly in his ear, "My dear! awake;" another pinches him. At length, he awakes. He rolls about his eyes, looks at the women, cannot diſtinguiſh one of them, hangs about the neck of the neareſt to him in embraces, the conſtant motions he is agitated by will not permit him to ſleep, his drunkenneſs will not ſuffer him to continue awake: thus half aſleep, and half awake, he was tumbled about in the hands of centurions and harlots." Nothing can be imagined ſo probable, nor ſo tartly reproached, nor ſo ſenſibly exhibited as this narration.

It will not be amiſs to intimate, that nothing inhances ſo much the credibility of a narration, as the authority of him that makes it; and this au-

fore ſuppreſſed it. But indeed, as it may be thought not offenſive to modeſty, but ſerving rather to excite indignation, and horror, the beauty and excellence of the deſcription made me venture to tranſlate it.

thority it is our duty to acquire, above all, by an irreproachable life, and next by the manner of enforcing it. The more it is grave and ſerious, the more weight it will have. In this part, all ſuſpicion of cunning and artifice, ſhould therefore be particularly avoided; for the judges ever diſtruſtful, are here principally on their guard; and nothing alſo ſhould ſeem a pure fiction, or the work of ſtudy, that all might rather be believed to proceed from the cauſe than the orator. But this we cannot endure, and we think our art loſt, unleſs it appears; whereas it ceaſes to be art, if it does. We ſeek only to gratify vanity, and in this point of view are centered our endeavours. But is not this ſollicitude for appearing great in the opinion of the by-ſtanders, the very thing that betrays our cauſe and renders us ſuſpected by the judges? . .

CHAP. III.

Of Digreſſion.

Digreſſion is not always neceſſary after the narration. —When it may be then uſed.—It is often of ſervice before the confirmation.—It is of various ſorts.—It belongs equally to all parts of a diſcourſe.

CONfirmation in the natural order follows narration; for the end of relating a fact is to prove it. But before I enter upon this part, it may not be amiſs to animadvert a little on the opinions of ſome authors.

It is cuſtomary with many of our orators, when they have ſtated the order of things, to make inſtantly

ſtantly an excurſion into ſome plauſible common place, wherein they exert all the pomp of eloquence they are maſters of. This cuſtom originating from declamatory oſtentation, has engroſſed the bar, ever ſince our Orators prided themſelves more in acquiring the reputation of fine ſpeakers, than conſulting the intereſt of their clients. And hence, I imagine, may be accounted for their apprehenſion of the diſcourſe becoming cold and languid from a delay of their grand flouriſhes, if the harſhneſs of proofs ſhould ſucceed that reſerved and cloſe ſtyle, which is often required for the narration.

The fault I find is, that by being uſed indiſcriminately in all ſorts of cauſes, as if always expedient, or even neceſſary; and by the heaping up of thoughts upon thoughts, which would be better placed elſewhere, other parts muſt be unavoidably weakened; beſides which, there may be a diſagreeable repetition of the ſame things, or they may not be ſaid in their proper place.

I, however, acknowledge, that this way of expatiating may ſtrike in very opportunely, not only after the narration, but after general and particular queſtions, ſo the ſubject requires, or at leaſt permits it; and it may likewiſe ſerve to illuſtrate and adorn the diſcourſe, if coherent and ſubſequent; but not, if wedged in by force, and breaking the union of things, amongſt which there was a natural connection. Nothing indeed, follows ſo well the narration as the proof, unleſs the excurſion be looked upon as the end of the one, and the beginning of the other. It may therefore ſometimes find room, as when the expoſition

having aggravated the horror of a crime towards the end, we purſue the emotion, and break ſuddenly, as it were, in ſpite of us, into a ſtrain of indignation. But to do ſo, the fact muſt admit of no doubt; for before making it appear enormous, it muſt firſt be made to appear true, becauſe the odium from a crime is rather favourable to the ſuppoſed delinquent before it is proved, it being very difficult to believe that one is capable of perpetrating an act of villainy which may ſeem extraordinary.

Again, if on account of ſervices rendered your adverſary, you inveigh againſt his ingratitude; or, if after reciting a multiplicity of bad actions, you ſhew how dangerous the conſequences may be; the digreſſion in ſuch caſes may not be without its uſe: but all things of this kind ſhould be obviated in a few words; for the judge, ſo ſoon as he has a knowledge of the fact, haſtens to the proof, and wants to be certain of the judgment he ſhall paſs on the cauſe. Beſides, we muſt be aware, leſt poſſeſſed by a new object, and out of patience by frivolous delays, he may not loſe ſight of the narration itſelf.

But as digreſſion is not always neceſſary after the narration, a preparation before the queſtion will be often uſeful, if on firſt ſight unfavourable, or if we defend a cruel law, or enforce penary actions. This will be as an exordium to what follows, for making the judge more benevolent to our proofs; and it may be done with greater freedom and more earneſtneſs, the judge being already acquainted with the cauſe. We ſhall therefore by lenitives adopted in this manner, mitigate whatever

is harſh, and make what we have to ſay more ſupportable to the judges, thereby preventing their averſion of our rigorous law, as nothing is ſo hard as to perſuade perſons againſt their inclination. Here too, it will not be improper to know the bent of the judge's temper, whether diſpoſed to decide by equity, or by the rigour of the law, as thus we may manage him accordingly. The ſame thing alſo may ſerve as a preroration after every queſtion.

The Greeks call this part παρέκβασις, the Latins* egreſſion; and of it there may be many ſorts, as I ſaid, diſſeminated through the whole cauſe: as, the praiſe of men and places, the deſcription of countries, the narrative of adventures, true or fabulous. Of this kind are, in the orations againſt † Verres, the praiſe of Sicily, the rape of Proſerpine; in the oration for L. Cornelius, that popular commemoration of Pompey's virtues, by which that divine Orator, forced, as it were, to break the thread of his diſcourſe on naming ſo great a general, ſo happily went aſtray, that he might ſeem to have pleaded not ſo much for his client, as to be animated with the deſire of paying a compliment to the hero.

The digreſſion then is, in my humble opinion, "a part, added contrary to the natural order of the diſcourſe, which diſcuſſes a point foreign to it, yet uſeful to the cauſe." I do not therefore ſee, that there is more reaſon in aſſigning it a place immediately after the narration, than determining its

* Of the egreſſion, ſee Cicer. l. ii. de Invent. 97. l. ii. de Orat. 311, 312.

† Verr. iii. 2. Verr. vi. 105.

proper object, when there are ſo many ways for a diſcourſe to paſs out of its ſtrait road. Whatever is ſaid beſides the five conſtituent parts of an oration, is properly a digreſſion, extending to the exciting of indignation, pity, hatred; the making of reproaches, and excuſes; the procuring of favour, and refuting of malicious reports; together with things not belonging to the queſtion, every exaggeration and diminution, all kinds of paſſions, and ſuch common places which greatly add to the beauties and ornaments of eloquent compoſition, as on luxury, avarice, religion, and duties, which, indeed, are not ſo much excurſions from the ſubject, as relative to, and having a connection with the things that prove it.

Still many things of different nature and relations are inſerted, the end of which is to recreate, adviſe, make favourable, entreat, and praiſe the judge. There is an infinity of this ſort; ſome we bring, as prepared, with us; opportunity or neceſſity makes room for others, as when ſomething new happens during the action, either that the Orator is interrupted, or the audience by ſome means become diſorderly. Cicero, pleading for Milo, was obliged to digreſs, even in the exordium, as appears by the diſcourſe he pronounced. The digreſſion may be of ſome length, that prepares ſomething before the queſtion, or is placed after a proof, to make it more forcible; but if made in the middle, it ſhould immediately return to that from whence it digreſſed.

CHAP.

CHAP. IV.

Of the Propoſition.

SOME ſubjoin propoſition to narration, as a part of the judicial matter, which opinion we have already anſwered. Every propoſition ſeems to me the beginning of a proof *, which uſually takes place, not only in pointing out the principal queſtion, but ſometimes alſo in every argument. But we now ſpeak of the firſt.

It is not always neceſſary to uſe it, as ſometimes without a propoſition it ſufficiently appears what the purport of the queſtion is, eſpecially if the narration ends where the queſtion begins, or is followed by a ſhort recapitulation, as it commonly happens in the proofs. "This affair † was tranſacted as I told you, my lords; he, who laid the ſnare periſhed in it; violence was repelled by violence, or rather valour triumphed over inſolence."

But the propoſition is ſometimes of ſingular uſe, particularly when the fact cannot be denied, and is only defenſible by a queſtion of right; as in the caſe of him who ſtole the money of a private perſon out of a temple, the queſtion is, "Whether he ſtands guilty of ſacrilege?" the only point the judge is to attend to. The ſame may be ſaid of

* There are two ſorts of propoſitions; the one general and belonging to the whole cauſe, which briefly comprehend the queſtion in diſpute: the other ſpecial, which is uſually prefixed to each argumentation.

† Pro Mil. 30.

obſcure

obſcure and manifold cauſes, or ſuch as are embaraſſed by a number of incidents. . .

Propoſitions are ſimple and complex, and this happens various ways; for many crimes are alleged together, as when Socrates was accuſed of corrupting the Athenian youth, and introducing new ſuperſtitions: and one fact is deduced from, or corroborated by many, as * Æſchines, accuſed of ill conduct in his embaſſy, is charged with lying, with doing nothing according to his inſtructions, with tarrying beyond the time fixed for his return, and with taking bribes. . . By annexing each of theſe propoſitions to their reſpective proofs, they will conſtitute many; but if complicated together, it will be the buſineſs of the diviſion of the pleading to make them appear in their proper light.

There is a ſort of propoſition, which though not one in form, may retain the ſame force, as, when after explaining the order of things, we conclude in this manner, "Upon which you are to pronounce." Theſe words are a warning to the judge, or rather like a dart, ſtriking, rouzing and making him ſenſible, that the Orator being now on the point of producing his proofs, requires a renewal of his attention.

* Æſchines was ſent ambaſſador to Philip, king of Macedon, for the purpoſe of making a league with him. Afterwards, he was accuſed by Demoſthenes, and this is the diviſion of Demoſthenes's oration "On the ill diſcharge of this embaſſy."

CHAP.

CHAP. V.

Of Diviſion.

I. *When, and upon what account Diviſion is not to be uſed.* II. *Its utilities.* III. *Its virtues.*

DIVISION * is an enumeration of ours, or the adverſary's propoſitions, or both together, diſpoſed in order.

I. Some are of opinion diviſion ſhould be always uſed, as by it the cauſe will be more clear, and the judge more attentive and docile, when he knows of what we ſpeak to him, and of what we intend afterwards to ſpeak. This others think attended with danger to the orator, either by his ſometimes forgetting what he had promiſed, or by ſomething elſe occuring to the judge or auditor, which he did not think of in the diviſion. I cannot well imagine how this may happen, unleſs in regard to one, who may be either deſtitute of ſenſe, or raſh enough to plead without preparation. In any other reſpect, nothing can ſet a ſubject in ſo obvious a light as a juſt diviſion. It is a means we are directed to by the guidance of nature, becauſe not loſing ſight of the heads we propoſe to ſpeak on, is the greateſt help memory can have.

But if diviſion ſhould ſeem requiſite, I am not inclined to aſſent to the notion of thoſe, who would not have it extend to more than three points. Indeed, when the partitions are too many, they eſcape the judge's memory and diſtract his atten-

* Concerning diviſion, ſee Cicer. de Invent. i. 31, 32, 33.

tion;

tion; but a cauſe is not ſcrupulouſly to be tied down to this number, as it may require more.

There are better reaſons for not always uſing diviſion, and the principal is, that moſt things are better received, when ſeeming of extempore invention, and not ſavouring of the cloſet, but ariſing in the pleading from the nature of the thing itſelf. Whence thoſe figures are not unpleaſing: "I had almoſt forgot to ſay: and it eſcaped my memory to acquaint you: and you have given me a good hint." For if the proofs ſhould be propoſed without ſomething of a precaution of this kind, they would in the ſequel loſe all the graces of novelty.

Add to this, that the judge is to be led into pleaſing deceptions, and amuſed by a variety of ſtratagems, to keep him from diſcovering our deſigns. There are ſometimes harſh propoſitions, which if the judge ſhould foreſee, he will take the alarm, like a patient, who being to undergo an operation, dreads the ſurgeon's inciſion knife, before he feels it; whereas if, by not previouſly propoſing any thing, you give him no time to reflect with himſelf, your diſcourſe will take full poſſeſſion of him, and effect more than can be well expected.

The diſtinguiſhing of queſtions, and the diſcuſſing them ſhould both alſo be equally avoided; but the auditory's paſſions ought to be excited, and their attention diverted from its former biaſs: for it is the orator's buſineſs not ſo much to inſtruct, as to enforce his eloquence by pathetic emotions, to which nothing can be more contrary than that minute and ſcrupulouſly exact diviſion

of a diſcourſe into parts, more eſpecially at a time, when we endeavour to deprive the judge of all preſence of mind.

Beſides, will not many things of themſelves light and weak, become conſiderable when aſſembled into a body? They are therefore rather to be muſtered together, and we muſt fight as by a ſally of main force; yet this ought to be but ſeldom, and from neceſſity, when reaſon in a great degree compells us to act againſt reaſon.

There is likewiſe in every diviſion a point much ſtronger and more important for conſideration than others, which when the judge is apprized of, he will think every thing elſe as ſuperfluous, not worthy of being attended to. If therefore many things are to be objected or refuted, the diviſion will be both uſeful and pleaſing, that every thing may appear in the order it is to be ſaid. But if we defend a ſingle crime by various ways, diviſion will be ſuperfluous, as if conceived in the following manner: "I ſhall make appear that the perſon I defend is not ſuch, as to think it probable he could be guilty of murder; it ſhall alſo appear that he had no motives to induce him to it; and laſtly, that he was beyond ſea when this murder happened." Whatever is alledged and argued before the third point, muſt ſeem quite unneceſſary; for the judge is in haſte to ſee you come to that which is of moſt conſequence, and though patient, will tacitly call upon you to acquit yourſelf of your promiſe; or, if he has much buſineſs to diſpatch, or his dignity puts him above your trifling, or he is of a peeviſh humour, he will oblige you to

ſpeak

ſpeak to the purpoſe, and perhaps in diſreſpectful terms.

Upon which account ſome have cenſured the diviſion of Cicero's ſpeech for Cluentius, in which he promiſed he ſhould ſay, firſt, "That no man was ever accuſed of more heinous crimes, and by witneſſes more worthy of credibility, than Oppianicus: next, that the violent preſumptions of his guilt were ſuch, that no judge could in conſcience acquit him: and laſtly, that if the judges were corrupted, it was not by the means of Cluentius, but rather againſt Cluentius." If the third point could be proved, there was no neceſſity for the other two. But if this diviſion is faulty, none will be ſo unjuſt or ſtupid as not to allow the accuracy of his diviſion for Murena: "I underſtand, my lords, that the whole accuſation is reduced to three heads; the firſt, reproving his morals; the ſecond, his contention for dignity; the third, his guilt of bribery." Thus does the orator explain clearly the whole cauſe, and no one point is made ſuperfluous by the other.

Many doubt the goodneſs of this way of defence: "If I had killed him, I ſhould have done well; but I did not kill him." Where is the occaſion, ſay they, for the firſt propoſition, if the ſecond be true? They run counter to each other, and whoever advances both, will be credited in neither. This is partly true, for if the laſt propoſition be unqueſtionable, it is the only that ſhould be uſed. But if we are apprehenſive of any thing in the ſtronger, we may uſe both.

Perſons

Perſons on theſe occaſions ſeem to be differently affected: one will believe the fact, and exculpate the right; another will condemn the right, and perhaps not credit the fact. So, one dart may be enough for an unerring hand to hit the mark, but chance and many darts muſt effect the ſame for an uncertain aim. Cicero clears up this matter in his defence of Milo. He firſt ſhews Clodius to be the aggreſſor, and then, by a ſuperabundance of right, adds, that though he might not be the aggreſſor, it was brave and glorious in Milo, to have delivered Rome of ſo bad a citizen.

I do not mean here to condemn the order above-mentioned, becauſe ſome things, though harſh, are ſo far of ſervice as to ſoften what follows. Neither is the trite ſaying altogether without reaſon, "Your * demand ought to be unjuſt, to obtain what is juſt." Which, however, is not to be ſo underſtood as to imagine all attempts to be equally juſtifiable; for the Greeks adviſe us rightly, "Not to attempt what is impracticable."

But whenever the twofold way of defence I ſpeak of, may be uſed, care ſhould be taken ſo to conduct it, that credibility may flow from the firſt in favour of the ſecond; for he that can ſafely confeſs a crime, will not be ſuſpected of lies by denying it; and when there is reaſon to believe that the judge requires another proof, different from what has been advanced, he muſt be aſſured that in this too he ſhall be fully ſatisfied, eſpe-

* Eraſmus thinks this alludes to dealers, who aſk for their wares and commodities more than they are worth, that the buyer may bid at length the juſt value.

cially if the affair is of a ſcandalous nature or tendency.

And indeed, it often happens, that a cauſe though ſafe as to an actual treſpaſs againſt the laws, is in the main odious and marked with infamy. That therefore the judges may not hear it with reluctance and averſion, they are frequently to be put in mind, that there will be an ample juſtification of the party's probity and honour, if they only wait a little to know how the whole affair was tranſacted. The orator may alſo ſometimes pretend that he has hazarded the ſaying of ſome things even contrary to the inclination of his clients; as Cicero does for Cluentius in regard to the judiciary law. Sometimes, as if interrupted by them, he will ſtop ſhort. Often, will he direct his diſcourſe to, and pray them to take in good part, whatever he may judge proper to ſay in their defence. In this manner will he ſteal upon the mind of the judge, who hoping to find the honour of the accuſed cleared, will have leſs repugnance to the more odious part, which when once properly ſtated, he will more eaſily admit the defence of honour; and the two parts thus mutually aiding each other, the judge ſtill in hopes of no blemiſh on the ſide of honour, will be more attentive to the queſtion of right, and this well eſtabliſhed, will diſpoſe him to think better of the fact, which at firſt he imagined not much to the credit of the accuſed.

II. But though diviſion may not be always neceſſary, being at times likewiſe ſuperfluous; yet when opportunely adopted, it gives great light and beauty to a diſcourſe. This it effects, not only

only by adding more perſpicuity to what is ſaid, things by it being drawn out of their confuſion, and placed conſpicuous before the judges; but alſo by recreating the auditory with a view of each part circumſcribed within its bounds: juſt ſo, mile-ſtones eaſe in ſome meaſure the fatigue of travellers, it being a pleaſure to know the extent of the labour they have undergone; and to know what remains encourages them to perſevere, as nothing can ſeem neceſſarily long, when there is a certainty of coming to the end. Q. Hortenſius did not undeſervedly acquire praiſe for his exactneſs in diviſion, though his way of reckoning the points on his fingers, was ſometimes humourouſly ridiculed by Cicero. There is, however, a certain medium to be kept, by avoiding a diviſion too preciſe, and as it were conceived in the way of articles, which indeed leſſens the dignity of the diſcourſe, and inſtead of diſtinguiſhing the parts, makes them not members, but a collection of ſcraps. They who ſeek to pleaſe by this ſubtlety and multiplicity of diviſion, have often recourſe to frivolous diſtinctions, and divide what in itſelf is one and indiviſible; they multiply not ſo much the objects as diminiſh their number, and by dividing and ſubdividing fall into the ſame obſcurity againſt which diviſion has been calculated.

III. Every diviſion therefore, when it may be employed to advantage, ought to be firſt clear and intelligible; for what is worſe than being obſcure in a thing, the uſe of which is for guarding againſt obſcurity in other things? Secondly, it ought to be ſhort, and not incumbered with any

ſuperfluous word, becauſe we do not enter upon the ſubject matter, but only point it out.

It will not be amiſs likewiſe to conſider, whether it be defective or redundant. It is commonly redundant, when we either divide into the ſpecies, the genus being ſufficient; or ſubject the ſpecies to the genus: As, "I ſhall ſpeak of virtue, juſtice, temperance;" whereas juſtice and temperance are ſpecies of virtue.

The moſt natural diviſion propoſes what is certain, and what is doubtful in a cauſe. The firſt head takes in our conceſſions, and thoſe of the adverſe party. The ſecond, the reaſons pro and con. In the whole, it ſhould be obſerved, that there cannot be a groſſer fault, than the want of executing in the propoſed order.

BOOK V.

The INTRODUCTION.

He ſhews that proving is very neceſſary to orators. He firſt treats of proofs that belong to all queſtions; afterwards of thoſe that are proper in every kind of cauſe.

SOME illuſtrious authors are of opinion that the only duty of an orator is to inſtruct. They thought that moving the paſſions ought to be excluded for two reaſons; the firſt, becauſe every perturbation of the mind is a diſorder; the ſecond, becauſe it is not lawful to make the judge ſwerve from truth and juſtice, by admitting the impreſſions of fear, pity, anger, and other emotions; and becauſe alſo, it is not only unneceſſary, but even unbecoming a man to make it his ſtudy to pleaſe, when he ſhould ſtrive to gain his cauſe by force of argument. There are others, and more in number, who far from depriving the orator of the advantages of pleaſing and moving, make notwithſtanding his proper and principal duty to conſiſt in proving what he advances, and refuting the adverſary's arguments.

Howſoever the matter may ſtand, for I do not here intend to interpoſe my own opinion, this book will be extremely neceſſary according to the

notions of both parties, being intirely ſet apart for proving and refuting. To it muſt be referred what has been already ſaid concerning pleadings at the bar, becauſe neither the exordium nor narration have other uſe than preparing the judge; and becauſe alſo an acquaintance with the ſtates of cauſes, and other particulars above diſcuſſed, would be to no purpoſe, but with a view hereto. In fine, not one of the five parts which we made a pleading to conſiſt of, is ſo eſſential to a cauſe, but may ſometimes be ſet aſide; but there is no litigation that does not require proofs. To proceed regularly therefore in ſo important a part, it will not be amiſs to begin with general precepts, and afterwards deſcend to thoſe that regard every kind of cauſe in particular.

CHAP. I.

Of the Diviſion of proofs.

Proofs are either inartificial, or artificial. He firſt treats of the inartificial.

ARISTOTLE diſtinguiſhes in the firſt place two ſorts of proofs, in which he has been almoſt generally followed by all ſucceeding authors. Some of theſe are extrinſic to the ſubject, and independent of art; others reſult from the ſubject, or are rather what the orator produces out of his own fund. The firſt have been therefore called * inartificial, and the ſecond † artificial. Of the firſt, are prejudices, reports, tortures, writ-

* ἄτεχνος. † ἔντεχνος.

ten

ten deeds or inſtruments, oaths, witneſſes; all which afford matter for moſt law-ſuits. But as theſe proofs in themſelves hold nothing from art, they are therefore for the moſt part to be enforced or invalidated by the greateſt powers of eloquence; for which reaſon thoſe ſeem to me greatly in the wrong, who would exclude them from being directed by precepts: yet, do I not therefore purpoſe to take in all that may be ſaid for and againſt them; for my intention is not to run into common places, an endleſs piece of work, but only to preſcribe a certain way and method, which every one is to exert his abilities for executing, and alſo for inventing the like, as the nature of the litigated matter may require. No one can ſpeak of all cauſes indiſcriminately, if not of the paſt, much leſs of thoſe to come.

CHAP. II.

Of Prejudices.

THERE are three kinds of prejudices; the firſt, founded upon things, already decided in ſimilar caſes, and therefore better called precedents or examples, as the wills of fathers in regard to their children, either ratified or made void: the ſecond, upon prior judgments relative to the cauſe, whence is derived the name prejudice or prejudged opinion; ſuch were the prejudices againſt Oppianicus, and thoſe of the ſenate againſt Milo: the third upon ſentences paſſed

on the ſame affairs, as in cauſes * re-judged, when an appeal is lodged.

Prejudices are confirmed, either from the authority of thoſe who have pronounced, or from the conformity of the affair with an adjudged caſe. They are refuted by contrary reflections, but ſeldom by invectives againſt the judges, unleſs manifeſtly culpable; for it is natural for a judge to confirm the opinion of another, and not to eſtabliſh a precedent which may perhaps make againſt himſelf. We muſt therefore, if the matter can bear it, have recourſe to ſome diſſimilarity in the caſe, as no two cauſes are perfectly ſimilar. If this cannot happen, and the cauſe is the ſame, whatever is found amiſs may be laid to the charge of the counſel's neglect; or a queſtion may ariſe on the inabilities of the condemned for having juſtice done them; or the aſcendant of the adverſe party may be alledged over the witneſſes by bribe

* It is neceſſary to clear up the obſcurity of this paſſage, by obviating ſome particulars of the Roman laws. The firſt inſtance regards the laws of baniſhment, admitting the diſtinctions of *relegatio* and *deportatio*. The import of the former was a prohibition againſt reſiding, or being, or appearing in a certain place: of the latter, when one was baniſhed or tranſported into a certain place. According to Ulpian, the cauſe of tranſports might again be brought to a new trial; and if the ſentence againſt them was reſcinded, they were re-inſtated in their former degree of honour.

The ſecond inſtance is upon the meaning of *aſſertio*, which was a judgment paſſed upon any one's liberty, whence it was denominated a liberty-cauſe, *cauſa liberalis*. If therefore judgment had already paſſed, and it was appealed from, or there was a new bench of judges choſen by lot for re-hearing the cauſe, the prejudged opinions were then to take place, to be examined into

The third inſtance in the text regards the centumviri, who took cognizance of cauſes in the forum, where two ſpears were erected, each diviſion having its judgment ſeat near its ſpear.

or

or otherwiſe; or they may have been influenced by paſſion, or ignorance; or laſtly, ſome intervening incident may have changed the ſtate of the cauſe. If nothing of all this can take place, it may at leaſt be remonſtrated, that in all times there have been examples of iniquitous judgments; as, on one ſide, * Rutilius condemned; on the other, Cataline and Clodius acquitted. The judges alſo may be intreated to examine into the affair themſelves, and not ſuffer themſelves to be biaſſed from the † judgments paſſed by others. Againſt decrees of the ſenate, or edicts of the prince, and of magiſtrates veſted with ſupreme power, I ſee no remedy, unleſs by proving that there is ſome difference in the caſe; or that a later decree, and equally in force, runs counter to the former. But if a reſource of this kind ſhould fail, the cauſe muſt unavoidably be given up.

* Rutilius, one of the greateſt men of his time, governed Aſia with all poſſible integrity. But for ſuppreſſing the rapine and extortion of the publicans, was repreſented by them in ſo bad a light to the Roman knights, who were judges in the cauſe, that they ſacrificed him to their reſentment, and baniſhed him. See Flor. l. iii. c 17.

Cataline, in quality of prætor, adminiſtered Africa, and was afterwards accuſed of extortion, but acquitted by the faction of the nobles.

Clodius, a bitter enemy to Cicero, after having unſucceſsfully croſſed his return from baniſhment, ſtrove to injure him by many acts of violence, which were a juſt cauſe of accuſation, and this accordingly was undertaken againſt him by Milo, tribune of the people, who was Cicero's friend; but Clodius being created ædile, by means of the oppoſite faction, his poſt protected him from the purſuits of Milo.

† The judges made oath that they would judge according to law. They were therefore to be admoniſhed, that mindful of the obligations of their oath, they would diligently examine into the matter themſelves, and not rathly abide by the judgment of thoſe, who by not having thoroughly conſidered the affair, might perhaps have paſſed a wrong judgment.

CHAP. III.

Of Rumour and Fame.

ONE party may ſay, that fame and reports obtain credit in the town, and are, as it were, a public teſtimony; the other, that they are but idle ſtories ſpread abroad without any certain author, to which malignity gave a beginning, and credulity an increaſe; and that the beſt and wiſeſt are often liable to be impoſed upon by the artifices of enemies. Examples will not be wanting on both ſides.

CHAP. IV.

Of Tortures, or putting the Queſtion.

THE ſame obſervations are applicable in regard to tortures; becauſe, if there be reaſons for, there are alſo againſt them; one contending, that the queſtion is a neceſſity for confeſſing the truth; the other, that it is often a means for averring what is falſe, torment making lying eaſy to ſome, and weakneſs making it neceſſary to others. There is no manner of occaſion to enlarge farther on theſe particulars. The orations of both the ancients and moderns abound with common places on this head. Yet, in this reſpect, ſome conſiderations may take place, as peculiar to every ſuit at law. Is the queſtion to be put? It will be extremely neceſſary to examine, who requires it, againſt whom, and upon what account? If it has been already put, it may

may be aſked, who ſuperintended it, who the criminal was, and what kind of tortures he ſuffered? Whether what he declared was credible or conſiſtent with itſelf? Whether he perſevered in his firſt confeſſion, or pain made him alter any thing in it, and whether this was in the beginning, or as the torments increaſed? The multiplicity of circumſtances that herein occur, are as great as the variety of the things themſelves.

CHAP. V.

Of Inſtruments.

*INSTRUMENTS afford often likewiſe matter for diſceptation, it being uſual to conteſt their authenticity, and charge them with being forged. But, as ignorance may here bear a great part, or motives of diſhoneſty may influence thoſe who have ſigned, it will be more adviſeable to ſuppoſe nothing but ignorance, becauſe fewer perſons will be included in the accuſation. This, however, depends on the nature of the cauſe and the inſtruments to be produced, as whether ſuch an act and deed be not againſt all appearance of truth; or whether, as it often happens, it be not made void by ſome other proof equally unartificial: Again, if he, to whoſe prejudice it was ſigned, or one or other of thoſe who ſigned it, were not abſent or dead before it was ſigned; or if alſo

* By the word *tabulæ*, rendered *inſtruments*, is underſtood all deeds in law, contracts, articles of agreement, notes, bills, bonds, wills, &c. They were to be made in the preſence of many and ſufficient witneſſes, who by their ſignatures atteſted their authenticity.

the dates diſagree, and there is any thing contradictory in the preceding and ſubſequent articles. Often inſpection alone is ſufficient to diſcover a character of falſehood.

CHAP. VI.

Of Oaths.

THOSE engaged in a law-ſuit, either tender their oaths, or will not accept of the adverſary's when tendered; or they require an oath from the adverſary, or refuſe their own when required.

To tender one's oath without requiring that of of the adverſary, is moſt commonly odious; and he, who does ſo, ought to be confident of his integrity of life, that it may not be preſumed he is capable of perjuring himſelf; or he ought to ſhew a due ſenſe of the obligation on religious motives, in which he will obtain more credit, if he appears not too earneſt, and yet not unwilling; or if the cauſe be ſuch, that none could believe he would on ſo trivial an occaſion imprecate ſo much evil to himſelf; or, if capable of gaining his cauſe by other means, he adds over and above his oath as a ſignal teſtimony of a good conſcience.

He that will not admit the adverſary's oath, may ſay, that the condition is unjuſt, if one's ſafety is to be made dependent on it. He may alſo alledge the little regard many pay to the ſacredneſs of an oath, here inſtancing in ſome philoſophers who denied a providential care in the gods over human affairs. Add to this, that whoever

ever is ready to ſwear without being urged to it, ought to be greatly ſuſpected of making himſelf judge in his own cauſe, and withal of making ſlight of ſo ſolemn an act.

He that requires an oath from the adverſary, ſeems to act modeſtly, by making him arbitrator of the ſuit. This will alſo be agreeable to the judge, as delivering him from the apprehenſion of being deceived, and helping him to acquit his own conſcience in the matter. Beſides, the adverſary can hardly refuſe his oath, unleſs perhaps upon making it to be believed he has no exact knowledge of the tranſaction; and if this excuſe ſhould fail him, then the other's only reſource will be to hint, that the adverſary ſtrives to make him odious; that in a cauſe wherein he cannot get the better, his laſt ſhift is to complain; that even a bad man would readily accept this condition; but that for his part, he chooſes to prove what he aſſerts, that none may entertain a doubt of his having perjured himſelf. . .

CHAP. VII.

Of Witneſſes.

THE moſt embaraſſing circumſtance in a pleader's buſineſs is the depoſitions of witneſſes. Theſe are delivered by word of mouth, or in * writing.

* They who gave teſtimony in writing, did it in preſence of many, who ſigned their names at the bottom of the depoſition.

Written

Written depoſitions are more eaſily invalidated, as it may be thought that a man is leſs aſhamed to betray the truth in the preſence of the few that ſigned his depoſition, and as abſenting himſelf may well be imputed to ſome diffidence. But if he cannot be reprimanded in perſon, at leaſt thoſe who ſigned may be brought into diſrepute. There is alſo a ſort of tacit cenſure on all the parties concerned, becauſe no one gives his teſtimony in writing, but of his own pure will, and the very act argues that he is no friend to him againſt whom he depoſes. The orator, however, will not immediately yield to theſe reaſons, as a friend who ſpeaks for a friend, and an enemy who declares againſt an enemy, may both ſpeak truth, if otherwiſe men of unqueſtionable veracity. This then will be a common place on which both parties may expatiate and exert themſelves.

But the conteſt is ſmart and warm when the witneſſes produce in perſon their evidence, two orders of battle being then drawn up, the one of ſet * ſpeeches, the other of interrogatories, either for or againſt them. In theſe ſpeeches the orator firſt ſpeaks in general terms, either in favour, or to the diſparagement of the witneſſes. This too is a common place, one party contending that there cannot be a more irrefragable proof than that which is grounded on the certain knowledge of men; and the other, on the contrary, making appear that this pretended knowledge is ſubject to groſs errors. The orator ſecondly, deſcends to particulars, and forms an attack upon ſeveral wit-

* By *actiones* Quintilian means a continued or ſet ſpeech which the orator uſes.

neſſes

neſſes at once. It is well known how ſome orators had baffled the teſtimony of whole * nations, and ſet at nought an intire claſs of witneſſes, as thoſe who depoſe from mere hearſay, improperly deemed witneſſes, becauſe only relating the ſayings of perſons not ſworn to declare the truth. Thus, in cauſes of extortion, they who ſwear money had been given by them to the accuſed, are rather parties than witneſſes. Sometimes the witneſſes are ſeparately refuted; and this we find in moſt pleadings to be an invective accompanied with defence, or a diſcourſe apart, as that of Cicero againſt Vatinius.

Having undertaken to inſtruct in as ample a manner as poſſible the orator, a thorough diſcuſſion of this whole matter will be neceſſary; otherwiſe it would be ſufficient to read the two books written on this ſubject by Domitius Afer, a gentleman, whoſe acquaintance I had the honour to cultivate in earlier life, and from whom, beſides the reading of his writings, I learned the better part by word of mouth. He gives this undoubted precept, that herein the principal duty of an Orator is to be verſed in the whole cauſe, which indeed extends to every particular, and how this may be effected, I ſhall ſhew in the † place ſet apart for this purpoſe. It is this knowledge that ſuggeſts matter for interrogatories, furniſhes weapons at hand, and informs us of the temper of mind we ſhould put the judges in; and the

* Cicero in his oration for Fonteius makes ſlight of the teſtimony of the Gauls; and in that for Flaccus, of the Greeks and Aſiatics.

† Book xii. c. 9.

cre-

credibility of witneſſes ſhould be occaſionally enforced or leſſened, becauſe we generally conſider an evidence, according as before-hand we have been diſpoſed to believe or not believe it.

And as there are two ſorts of witneſſes, voluntary, or cited to appear, the firſt employed by both parties, the ſecond allowed only to plaintiffs; let us therefore diſtinguiſh the duty of him who produces witneſſes, from that of him who refutes them.

He who produces a voluntary witneſs, may know what he has to ſay, and therefore it will be eaſy to queſtion him; but this too requires a judicious and nice forecaſt, to guard againſt his being timid, inconſiſtent, and indiſcreet. It is uſual with the advocates of the adverſe party to intimidate witneſſes, to confound their ideas, and to draw them into ſnares, which ſhould they give into, their indiſcretion would hurt more, than the conſiſtency and intrepidity of others could be of ſervice. They ought therefore to be previouſly croſs-examined in private, and tried by a multiplicity of queſtions, ſuch as the adverſary might put to them. So it will happen, that they may be either made conſiſtent with themſelves, or if they ſhould chance to ſtumble, a ſeaſonable hint or word would replace them in their byaſs.

As to witneſſes ſeemingly more confident, we ſhould be greatly on our guard how we truſt them, being often ſuborned by the adverſary, and when brought to the teſt, ſaying quite the reverſe of the mighty matters they promiſed. In this manner they become ſo much the more dangerous, as they retain all the authority of a ſincere confeſſion.

feſſion. We muſt therefore diligently examine into their motives for declaring againſt the adverſary. It is not enough that they have been enemies, but whether they have ceaſed being ſo, and have not ſought a reconciliation at our expence; whether they have not been bribed, and whether repentance has not made an alteration in their ſentiments. Theſe reflections will not be amiſs, when even the debate regards things which the witneſſes know to be true; but the precaution will be much more neceſſary, when they promiſe to ſpeak againſt * truth, being in this caſe more ſubject to repent, more treacherous in their promiſes; or if they keep their word, more liable to be detected, and to betray themſelves.

The witneſſes, which are cited to give evidence on a trial, may be favourable or otherwiſe to the defendant; and the plaintiff may ſometimes know how they ſtand affected, and ſometimes not. Let us ſuppoſe he does. In both caſes, he that takes upon him their examination, ought to be extremely cautious how he proceeds. If he has got a witneſs intent on hurting his client, he muſt be aware of ſuffering his animoſity to appear in him. For this purpoſe he muſt not queſtion him immediately on the main point of the debate, but come to it by little and little, that what he has the greateſt paſſion to ſay may ſeem forced from him; neither muſt too many queſtions be put to him,

* Quintilian ſeems here not to reject the teſtimony of thoſe who promiſe to aſſert what they know to be falſe, which would be incompatible with the character of an honeſt man to countenance; but he ſhortly after adviſes, that he mentions theſe ſiniſter arts, not to encourage, but that all may decline being any wiſe concerned in them.

leſt

leſt his readineſs to anſwer might raiſe a ſuſpicion of his credibility, it being enough to * know from him all that need be reaſonably expected from a ſingle witneſs.

In regard to a witneſs who may reluctantly declare the truth, the greateſt ſucceſs the examinant can aim at is to extort it from him. This cannot be compaſſed any other way, than by beginning the interrogatory upon ſome diſtant matter. He will anſwer ſo as to imagine he does not prejudice the cauſe, and from his confeſſions will be reduced to ſuch ſtraits as not to be capable of denying what he is unwilling to declare. For as in a pleading we often recapitulate the ſcattered arguments, which ſingly may not ſeem to preſs hard on the defendant, but in the aggregate ſtrike home to evince the fact; ſo a witneſs of this ſort being aſked many queſtions concerning the circumſtances of time, place, perſon, what happened before and after, and the like, will at length be drawn into ſome anſwer, which ſhall compel him to diſcover what we are deſirous to know, or to contradict what he has already ſaid. Should he be ſo on his guard that neither happens, it is then manifeſt he is not willing to confeſs any thing, and conſequently muſt be led out of his byaſs, and detected in ſomething even foreign to the cauſe, from which he cannot well extricate himſelf. Here he is to be detained as long as may be convenient, that his affected earneſtneſs of exculpating the defendant might deprive him of all be-

* We muſt not aſk from him all the particulars of the controverſy, but only what may be to our advantage, reſerving the reſt for other witneſſes.

lief,

lief, and thus he will do him more hurt than if he had told the real truth.

Suppoſing now the plaintiff ignorant of what the witneſs intends to depoſe, according to what has been obſerved in the ſecond place, he will endeavour to ſound his thoughts, and by a chain of queſtions lead him inſenſibly to what he aims at; but as witneſſes are ſometimes ſo artful, as firſt to anſwer as one would wiſh they ſhould, in order to ſay after with more authority whatever they pleaſe, the plaintiff then ſuſpecting their deſign, muſt diſmiſs them before they have time to do him a prejudice.

As to the interrogatories to be put by the defendant's advocate, they are partly of a more obvious nature, and partly more difficult. More difficult, becauſe it can ſeldom be ever known before trial what the witneſs intends to ſay. More eaſy, as knowing what he has ſaid, before he is croſs-examined. Therefore in reſpect to what is uncertain, a diligent inquiry will not be amiſs into the witneſs's character, and his motives of emnity againſt the defendant; and the advocate in his pleading will enter into ſeveral reflections which he muſt inſiſt on, to ſhew that the witneſſes are perſons, influenced by hatred, envy, power, or money. If the adverſe party has not a ſufficient number of witneſſes, he will ſet forth their inſignificancy; if too great a number, he will obſerve that ſuch a multitude argues ſomething of a cabal or conſpiracy. If they produce poor mean people, he will ſay, they have been gained over by a bribe; if men in power, that their deſign is to cruſh us by their intereſt. It will, how-

ever, avail more to explain their reaſons for acting againſt the defendant, which are various, according to the nature of the matter conteſted, and the parties concerned. The adverſary anſwers all theſe allegations in his turn by like common places. If he produces but few witneſſes, it is becauſe he contents himſelf with thoſe whom he knows to be acquainted with the fact; if mean and obſcure perſons, he takes them as they are, and in this his integrity triumphs; if many in number, or perſons of conſideration, none can doubt but that this adds weight to his cauſe.

Witneſſes are ſometimes commended or diſcredited, by either mentioning their names, or * rehearſing their depoſitions in the pleading. This practice was more in uſe, and eaſier formerly, when it was cuſtomary not to examine them till the cauſe was pleaded on both ſides. What may be alledged againſt any one of them in particular, is deducible only from their own perſon.

There are other conditions of the interrogatory, and the principal is, to have a knowledge of the nature of the witneſs. If timid, terrify him; ſilly, lead him into a deception; paſſionate, thwart him; ambitious, puff him up; tedious, make him more diſguſtful by prolixity. But if the witneſs ſhould be found prudent and conſiſtent with himſelf, he is either to be ſet aſide inſtantly, as an obſtinate enemy; or is to be refuted, not by queſtioning him in form, but holding ſome ſhort

* Some commentators think that *citatis* ſhould be here read inſtead of *recitatis*: and thus the ſenſe may be, in order to refute a witneſs, when we cite him before the judges, or only name, not compelling him to appear before them.

dialogue

dialogue with him: or, if poſſible, his ardour is to be cooled by ſome pleaſantry; and if ſome handle can be made of vicious conduct in life, he may on that account be charged home, and branded with infamy. Honeſt and modeſt witneſſes ſhould meet with mild treatment; for often proof againſt rude behaviour, they relent by affability and complaiſance.

Now every interrogatory is either in, or out of the cauſe.

If in the cauſe, as I directed in regard to the plaintiff, let his advocate, to avoid being ſuſpected, begin the examination ſomewhat higher up, and by collating the firſt anſwers with the latter, he may bring things to the paſs of his being able to extort ſomething to his advantage. This is not learned by any inſtruction or exerciſe practiſed in ſchools, but muſt be intirely the reſult of the advocate's natural ſagacity and experience; but if an example for imitation need be pointed out, I can propoſe nothing better than the dialogues of the Socratic philoſophers, eſpecially of Plato, in which the queſtions are ſo appoſite, that though the reſpondent has very plauſibly acted his part, yet he finds himſelf obliged to draw concluſions quite wide of what he intended. Some inconſiſtency alſo may chance to eſcape the witneſs, and what happens oftener, he may not agree with other witneſſes: by therefore artfully croſs-examining him, he will be catched in ſomething material, which otherwiſe might be merely the effect of chance.

Out of the cauſe there are likewiſe many interrogatories, which may be of ſervice. A witneſs is examined concerning his own life and converſa-

tion, and the character of thoſe who depoſe with him; as whether they are not noted for ſome infamy, or are perſons of mean condition; whether they are friends of the accuſer, or enemies to the accuſed. In all theſe particulars they may either ſay ſomething which the advocate may avail himſelf of, or he may detect them in a lie, or he may hit upon ſomething, plainly ſhewing their propenſity to do all the miſchief they can. Still the interrogatory ought to be very circumſpect; for a witneſs often gives many ſhrewd anſwers to the diſparagement of the advocates, and his pleaſantries are well received. Add to this, that the queſtions ought to be conceived in the moſt ſimple and and familiar terms, that the queſtioned, who is often ignorant, may eaſily underſtand them; for if he ſhould pretend the contrary, the interrogatory would of courſe appear cold and ſilly.

As to the baſe artifice of ſuborning a witneſs, and making him ſit on your adverſary's ſide, that upon a hint thrown out to him, he may riſe ſuddenly, and either give evidence againſt him, or, ſeeming to ſpeak in his favour, may afterwards deſignedly behave in an immodeſt and petulant manner, to deſtroy his own teſtimony, and that of others: this baſe ſtratagem, I ſay, I here only mention, to recommend its being avoided.

It often happens, that on one ſide the declarations, on the other the witneſſes are found to diſagree. From this colliſion ariſes another common place, each treating it according to their notions. The witneſſes inſiſt upon their oath, and the declarations are ſupported by the aſſent of thoſe who ſigned them. A like diſpute occurs too in regard

to

to witneſſes and arguments. In behalf of witneſſes, the advocate urges the certainty of their depoſitions, the ſacredneſs of oaths, and makes appear that arguments are only the work of mens wit. The adverſary anſwers, that witneſſes are liable to ſuffer themſelves to be corrupted; that often favour, fear, money, reſentment, hatred, friendſhip, ambition, influence them to ſpeak; but that arguments are drawn from the very nature of things; and that a judge, who lays a ſtreſs upon witneſſes, believes on the faith of another, whereas he who determines from ſubſtantial proofs, believes only himſelf. Theſe queſtions are common to a great number of cauſes, and have been, and will always be agitated. Sometimes there are witneſſes on both ſides, and then the queſtion either relates to their perſons, as "which are the better men?" or their depoſitions, as "which have ſaid the more credible things?" or laſtly, the queſtion regards the contending parties, as "which ſide is more favoured with the good wiſhes of the public?"

If any one ſhould chooſe to add hereto whatever goes under the denomination of divine teſtimonies, as ſupernatural anſwers, oracles, preſages, it may not be improper to know that there are two ways of treating them: the one general, on which there is a perpetual diſpute between the Epicureans and Stoics; as "whether the world be governed by providence?" the other particular, which diſcuſſes the merit of every ſpecies of divine teſtimony, as any of them may make a part of the queſtion; for the credibility of oracles is not aſſerted or refuted as that of augurs, aruſpices, inter-

preters of dreams, and aſtrologers, becauſe all theſe conſtitute ſo many different ſpecies.

Words, which eſcape perſons in wine, in madneſs, or during their ſleep, and diſcoveries grounded on the relations of children, are alſo a ſort of teſtimony variouſly maintained and conteſted by both parties. One alledges, that their is neither fiction nor artifice in evidences of the kind; and the other, in oppoſition ſays, that there is neither reaſon nor diſcernment.

The importance of proofs deduced from the authority of witneſſes is ſuch, that we may not only employ them to advantage, but can even require them when wanting to the adverſary. "You paid money; who received it? before whom did you ſettle the account? when, and how?"—"You accuſe me of the crime of poiſoning; where did I buy the poiſon? from whom? for how much? whom did I employ to give it? who were my accomplices?"—Cicero diſcuſſes all theſe circumſtances in his oration for Cluentius, who was charged with that guilt.—Thus far, I have ſpoken of unartificial proofs in as brief a manner as I well could.

CHAP.

CHAP. VIII.

Of artificial proofs.

There are three ſorts of this kind of proof, conſiſting of ſigns, arguments, and examples. He blames ſome, who making ſlight of proofs, by which cauſes are braced, as it were, with nerves, rather chooſe to make excurſions into common places.—He ſubjoins a general diviſion of all proofs.

THE ſecond ſort of proof, which is altogether artificial, and conſiſts of things proper to enforce credibility and conviction, is moſt commonly either intirely neglected, or very ſuperficially touched upon by thoſe, who, frightened at the rough horrid viſage of arguments, ſit indolently down amidſt the flowers of agreeable common places; thus reſembling the people deſcribed by poets, who captivated by the melody of * Syrens, or the ſweetneſs of a fruit taſted in the country of the † Lotophagi, chooſe rather to periſh than renounce their fatal pleaſures. Infatuated in like manner by a notion of empty praiſe, they loſe the victory, which, however, ought to be the object of their beſt endeavours.

Common places in a diſcourſe, are adopted for ornament ſake, and as an auxiliary ſupport to arguments: juſt ſo, fleſh and ſkin in the human

* See Homer, l. ix. Oyſſ.

† The Lotophagi were a people of Africa, ſo called from the fruit Lotos, which was an article of their food, and ſo deliciouſly flavoured, that whoever taſted of it, was deſirous ever after of remaining in the country. Polybius, according to Athenæus, ſays that it had the taſte of a fig.

body, clothe the nerves, in the good condition of which conſiſts its principal ſtrength. Should an orator have occaſion to obſerve, that ſuch an action was influenced by anger, fear, or avarice, he may enlarge a little upon the nature and effects of the paſſion. The ſame may take place when his ſubject is praiſe or diſpraiſe, when he magnifies or diminiſhes an object, when he deſcribes, deters, complains, conſoles, exhorts. But all theſe exertions ſhould have in view things, either certain, or of which we ſpeak as certain. Neither do I deny, that there is ſomething in pleaſing, and much more in moving the paſſions; yet theſe are more efficacious, when the judge thinks he has had ſufficient information of the cauſe, which he cannot have without hearing the matter argued, and knowing all the particulars that lay a ſure foundation for judging.

Before I enumerate all the ſpecies of artificial proofs, I think it proper to obſerve that there are ſome things common to all of them, as there is no queſtion but muſt regard a thing or perſon. Neither can there be any places for arguments without equally belonging to things or perſons; and theſe arguments may be conſidered in themſelves, or relating to ſomething elſe. There can be alſo no proof but from antecedents, or conſequents, or contraries, all which muſt be deduced from the paſt time, or the preſent, or the future. Beſides, nothing can be proved, but from another, and that muſt be either greater, or equal, or leſs.

Arguments occur, either from queſtions, which abſtracted from things and perſons, may alſo be conſidered in themſelves; or from the cauſe itſelf,

ſelf, when it furniſhes us with ſome particular reaſon, ariſing from the nature of the affair in debate.

Of all proofs likewiſe ſome are neceſſary, others credible, others not contradictory; and all are included in one or other of the four kinds that follow: as from the exiſtence of one thing, I infer the non-exiſtence of another; "It is day, therefore it is not night:" or, from the exiſtence of a thing, that of another; "The ſun is over the horizon, therefore it is day:" or, from a thing that is not, I infer a thing that is; "It is not night, therefore it is day:" or, laſtly, from a thing that is not, I conclude that another is not likewiſe; "There is no rational animal, therefore there is no man."—From theſe generals, I ſhall now deſcend to particulars.

CHAP. IX.

Of Signs.

EVERY artificial proof conſiſts of ſigns, or arguments, or examples. I am not ignorant that they are conſidered by many as making a part of arguments, and this was one reaſon I had for diſtinguiſhing them, becauſe of their near reſemblance to unartificial proofs; for bloody cloaths, outcries, bruiſes, and the like, bear a ſort of affinity to inſtruments in writing, reports, and witneſſes, being not of the Orator's invention, but brought to him with the cauſe. There is another reaſon for diſtinguiſhing them, becauſe ſigns, if

if indubitable, are not arguments; and in ſuch caſe nothing can be conteſted, there being no room for arguments but in ſomething that is controverted. If the ſigns are doubtful, they cannot be called arguments, as ſtanding in need of arguments themſelves.

They are therefore divided into theſe two principal ſpecies, ſome of them being, as I ſaid, * certain, and others † doubtful.

The firſt, as their condition is unalterable, can hardly admit of being directed by precepts; for where the ſign is infallible, no room can be left for diſpute. This happens when it is abſolutely neceſſary a thing ſhould be, or has been; or, on the contrary, ſhould not be, and has not been: ſuppoſing which, there can be no queſtion but concerning the fact. . . .

The ſecond, being merely probable, or ‡ not neceſſary, are not ſufficient in themſelves to take away doubt, but in conjunction with other proofs, may be very powerful.

Signs, called otherwiſe ‖ marks, tokens, indications, veſtiges, conſiſt of ſome certain thing ſerving to mean and point out another, as murder ſuppoſed to be committed by ſeeing blood ſhed. But as a man's cloaths may be ſprinkled with blood which has ſtarted from the ſlaying of a victim, or he may have bled at the noſe, it does not follow he has committed murder for having bloody cloaths. Yet this mark, how inſufficient ſoever in itſelf, ſupported by other circumſtances, will be a powerful teſtimony againſt the accuſed,

* τεκμήρια. † σημεῖα. ‡ εἰκαῖα. ‖ σημεῖον.

if it ſhould be proved that he was an enemy, that he was known to have threatened before hand, and was found in the place where the murder was committed. This acceſſory ſign of bloodſhed, makes therefore what in itſelf was ſuſpicious appear with an air of certainty.—There are other ſigns, which both parties may equally avail themſelves of, as ſpots and ſwelling, which may ſeem as well marks of indigeſtion as poiſon; and a wound in the boſom, may argue a man's making away with himſelf as well as another's ſlaying him. —Proofs of this kind may therefore take place on both ſides, but are deciſive only as far as otherwiſe well ſupported. . .

CHAP.

CHAP. X.

Of Arguments.

I. *What an argument is.* II. *Of the places of arguments, which are deduced either from perſons, or things.* 1. *He briefly touches upon whatever regards perſons.* 2. *To things belong cauſes, place, time, powers or inſtruments, manner, together with definition, genus, ſpecies, difference, property, amotion, ſimilarity, diſſimilarity, contraries, contradictories, conſequents, conjuncts, compariſon.* III. *The nature of things will not admit of each ſpecies of argument being executed.—We muſt firſt conſider what requires to be proved.—An example of a like cauſe.* IV. *What we ſhould think of theſe places of arguments, and how we ought to uſe them.*

I. I Now come to treat of arguments, under which name I comprehend all that the Greeks call * enthymemes, epicheremes, and demonſtrations, terms indeed different, but not much different in ſignification. . . . As therefore an argument is a way for making good a proof, whereby one thing is concluded from another, and what is doubtful is confirmed by what is not; it is neceſſary there ſhould be ſomething in a cauſe which does not require proving, as it would be impoſſible to prove any thing, unleſs there was ſomething certain, or ſomething held for certain, to lend its credibility to what is doubtful.

* ἐνθυμήματα, ἐπιχειρήματα, ἀποδείξεις.

The

The things we hold for certain, are firſt, the objects of our ſenſes, as what we ſee and hear; ſuch are ſigns. Secondly, things grounded on moral certainty from the common aſſent of mankind; as, "That there is a God; that parents are to be honoured." Next, things that have the ſanction of laws, which, though their obligation, in the way of certainty, is not allowed of by all men alike, yet where received, they are eſtabliſhed and authenticated by cuſtom, which itſelf has often the force of a law. Laſtly, things agreed upon by both parties, either as proved, or contradicted by neither. On this head, an argument may be thus formed: "The world is governed by God's providential care; therefore, in imitation of it, man, the divinity's vice-gerent on earth, ought to attend to the government of the commonwealth:" for from the world's being adminiſtered by providence, the inference is juſt for authoriſing the adminiſtration of the common wealth.

In order to handle an argument to advantage, the force and nature of all things, and what they are capable of producing, ought to be diligently ſtudied and known. Hence ariſes the conſideration of * probabilities, which are of three kinds. The firſt implying a certainty, and commonly happening, as that children are beloved by their parents: the ſecond, very credible, as that a man in good health to day, may live till to morrow: the third, not contradictory in its implication, as that a theft committed in a houſe, was by ſome one in the houſe. Concerning theſe proba-

* εἰκότα.

bilities

bilities Ariſtotle in his ſecond book of rhetoric, has been careful to examine into whatever may affect every thing and perſon, together with the agreement or oppoſition nature has placed between perſons and things; as, who are under the influence of riches, ambition, or ſuperſtition; what are the things that receive the approbation of the good, and what are the purſuits of the bad; to what the inclinations of warriors tend, and to what alſo of thoſe who lead a country life; how each thing may be avoided, and how it may become an object of deſire?

But I rather decline giving a detail of theſe matters, being indeed too comprehenſive, though obvious to every one's underſtanding; but if any one ſhould deſire to be more particularly acquainted with them, he may conſult Ariſtotle. All probabilities however, in which the greateſt part of argumentation conſiſts, may be ſaid to flow from theſe ſources. Is it probable that a ſon ſhould kill his father, or that a father would commit inceſt with his daughter? But, on the contrary, it is probable that a ſtepmother would be guilty of giving poiſon, and a man of debauched life of adultery: again, is it probable, that ſuch a perſon would have committed ſuch a crime in the face of the world, or would have perjured himſelf for ſo ſmall a bribe? The reaſon of greater or leſs probability in theſe examples is, that all are diſtinguiſhed by a peculiarity of character, according to which they act, and this commonly, though not always, otherwiſe the things would be indubitable, and not arguments.

II. I ſhall

II. I ſhall now paſs to the * places of arguments, though the juſt mentioned examples may ſeem ſuch to ſome. I call places, not what is uſually underſtood by common places, as on luxury, adultery, and the like; but certain repoſitories from whence arguments may be drawn. For, as all countries produce not all ſorts of fruits, nor are proper for the inhabitancy of certain birds and wild beaſts; and, as all kinds of fiſhes are not found in our ſeas, ſome of them taking up their haunts in ſhallows, and others in rocky parts, diſtinguiſhed by their reſpective ſhores and regions: ſo any ſort of ſubject cannot furniſh materials for all ſorts of arguments, and therefore they are not any where to be indiſcriminately ſought after. Thus might there be an open to continual miſtakes, and we ſhould labour to little purpoſe, chance being more our guide than an inquiry directed by reaſon. But if acquainted with the place, whence an argument originates, we ſhould eaſily ſee whatever is contained in it.

1. Arguments therefore are often to be drawn from the perſon, all queſtions, as before mentioned, being reducible to things and perſons. To things are incident cauſe, time, place, opportunity, inſtrument, manner, and other like particulars. All theſe many have undertaken to illuſtrate with examples, more eſpecially the incidents regarding perſons, but I ſhall only touch upon ſuch of the latter as afford places for arguments.

Theſe places are, birth: for children are generally believed to be like their parents and anceſtors,

* See Cicero lib. ii. de Orat. 162. 173. and in Topicis, 6. —78.

and

and ſometimes are hence derived the cauſes of their honeſt or ſcandalous lives.

Nation: for all nations have their peculiar manners, and the ſame is not probable in a Barbarian, Roman, or Greek.

Country: becauſe there is ſome difference in the conſtitution of government, laws, and uſages of every ſtate.

Sex: as robbery is more probable in a man, and poiſoning in a woman.

Age: becauſe all degrees of age are characterized by what are ſuitable to them.

Education and diſcipline: as it is of ſome conſequence by whom, and how every one is brought up.

Habit of body: becauſe comelineſs or beauty of perſon is frequently ſuſpected of a propenſity to luſt, as is ſtrength of rude carriage. The oppoſite qualities are differently thought of.

Fortune: the ſame is not credible in a rich and a poor man; in one that has many relations, friends, and dependants, and in another deſtitute of all theſe bleſſings.

Condition: on which alſo ſome diſtinguiſhing mark is to be ſet; for it much ſignifies, whether one is of an eminent or mean occupation, a magiſtrate or private man, a father or ſon, a denizen or alien, a freeman or ſlave, a married man or bachelor, a father of children or childleſs.

Paſſions and inclinations: for avarice, anger, mercy, cruelty, ſeverity, and the like, determine often to the belief or diſbelief of many occurrences.

The

The way of living: whether it be luxurious, frugal, or ſordid.

Profeſſions and occupations: the peaſant, citizen, merchant, ſoldier, ſeaman, phyſician, think and act differently.

We ſhould alſo examine in what light every one affects to be conſidered; whether as rich or eloquent, juſt or powerful. Attention is paid alſo to what has been formerly ſaid and done, it being uſual from what is paſt to form a judgment of the preſent. . .

Some alſo make the name a matter of conſideration in the perſon. He muſt indeed have a name, but it is ſeldom productive of an argument, unleſs given for ſome particular reaſon, as wiſe, great; or has occaſioned ſome ſcheme or project, as that of Lentulus, by engaging him in Cataline's conſpiracy, becauſe the ſibylline oracles and anſwers of the aruſpices promiſed ſupreme power to there of the name of Cornelius; and he therefore believed himſelf the third after Sylla and Cinna, whom the prediction favoured, being likewiſe ſurnamed Cornelius. Eteocles, in a tragedy of Euripides, avails himſelf of the name of his brother Polynices, to characterize his vicious morals, which indeed may ſeem a very cold reflection. However, names furniſh frequent matter for facetious remarks, which Cicero in his pleadings againſt Verres had ſometimes recourſe to.

Theſe, or the like, may be adopted for the conſideration of perſons; for I cannot enumerate all that can be ſaid in this reſpect and others, contenting myſelf to ſhew the way to thoſe who may deſire to make further reſearches.

2. I paſs over therefore to things, and as in them our actions have an immediate relation to perſons, I ſhall treat firſt of theſe. Now every action admits naturally theſe queſtions, why, where, when, how, and by what means it has been done?

Arguments are then drawn from the * cauſes of things done, or that may be done; the matter of which, called † differently by ſome, is divided into two genuſes, and each of theſe ſubdivided into four ſpecies. For the reaſon of doing a thing, is commonly in order to acquire a good, to augment, preſerve, and enjoy it; or on the contrary, in order to avoid an evil, to be delivered from it, to diminiſh, or to ‡ commute it for ſome other not ſo great. Such motives are of great weight in all our deliberations; but the object of theſe cauſes is moral rectitude, whilſt on the contrary, the deformity of actions proceeds from the falſe notions we frame to ourſelves; and theſe falſe notions having their ſources in things ſuppoſed to be good or bad, lead us into errors and the diſorderly paſ-

* Theſe cauſes are fourfold. Material, as Jupiter's candleſtick, Verr. vi. n. 64.—Formal, as the thefts of Verres are exaggerated from matter and form, Verr. vi. 4, 72, 74, 124. Cicero proves that death is not to be dreaded from the nature of the ſoul itſelf: for Sext. n. 47.—That pleaſures are to be avoided from the conſideration of the dignity of the human mind, De Offic. i. n. 105, 106.—Efficient, pleaſure is the cauſe of many evils: de Senect. n. 39, 41.—Abundance in the productions of the country, a cauſe of pride, Agr. ii. n. 94. Verres the cauſe of all the wickedneſs committed by thoſe employed under him, Verr. iv. n. 26.—Final. Peace the end of war: Philip. vii. n. 19. and a preſervation againſt ſervitude; Philip. viii. n. 12. Cicero preſſes hard Tubero from the end of taking up arms againſt Cæſar, for Ligar. n. 9.

† ὑλὴν, δύναμιν.

‡ As when death is changed into baniſhment.

ſions

ſions of anger, hatred, envy, luſt, ambition, audaciouſneſs, and the like. Hereto are ſometimes added the cauſes called accidental, as drunkenneſs, ignorance, which are occaſionally uſed to extenuate or aggravate a crime, as if it was ſaid that a man lying in wait for his enemy, killed another. . .

Arguments are drawn too from the conſideration of the * place; for an action is more or leſs probable according to the ſituation of the place where it is ſaid to have happened; as whether it was a mountain or plain, maritime or inland, cultivated or waſte, frequented or deſert, near or diſtant, favourable to the deſign or againſt it. We ſee with what earneſtneſs Cicero inſiſts on this circumſtance in his oration for Milo; and indeed it is ſo important, that it not only ſeems deciſive in cauſes where the ſtate is conjectural, but may form a queſtion of right, as whether it was a private or public place, ſacred or profane, belonged to us or another. The ſame may be ſaid in regard to the quality of the perſon, as whether a magiſtrate, father, or foreigner, whence queſtions may ariſe, as "You ſtole the money of a private perſon, but it was out of a temple, and therefore you ſtand guilty not of theft, but ſacrilege." . . Place is alſo of great moment for determining the quality of the fact, the ſame being neither lawful, nor equally becoming every where. It is beſides neceſſary to examine under what conſtitution of government the queſtion is to be decided, as every country has its peculiar laws, cuſtoms, and man-

* In regard to the place, Cicero may be conſulted, as Agr. ii. n. 94. Pro Mil. n. 53. Philip. ii. n. 63, 104, 105.

ners. Sometimes the circumſtance of place is enough to inhance the merit of a perſon, or to make him odious. On this account, Ajax exclaims in Ovid, "Great Gods! what injuſtice! we plead the cauſe before our fleet, and ſhall Ulyſſes be put in competition with me?" Milo's crime, among other circumſtances was aggravated, for having ſlain Clodius amidſt the monuments of his anceſtors.

* Time, as well as place, is of conſequence for the purpoſe of enforcing an argument, . . . being often uſed in the demonſtrative and deliberative kinds, and very frequently in the judicial; becauſe it not only eſtabliſhes many queſtions of right, diſtinguiſhes the quality of the fact, and is of ſingular advantage to conjectural cauſes; but is ſometimes alſo productive of inconteſtible proofs. Thus, in a caſe before mentioned, if the authenticity of a written inſtrument is queſtioned, the date of which is poſterior to the death of the perſon, ſaid to have ſigned it; or, if one, accuſed of a crime, makes appear that in the time he is ſuppoſed to have committed it, he was but a child or not even born. This place may eaſily be made to extend to moſt arguments, as proceeding from either what happened before, or accompanied or followed the tranſaction. From antecedents; you threatened death, you went out by night, you got before him on the road to wait his coming. From adjuncts; noiſe and cries were heard. From conſequents; you hid yourſelf, you ran away; the body appeared bruiſed and ſwelled. . .

* For examples of the circumſtance of time, ſee Cicero pro lege Manil. n. 35. Pro Cœl. n. 2. Pro Mil. n. 49. 52.

Powers

* Powers or abilities are likewiſe to be conſidered, more eſpecially in cauſes the ſtate of which is purely conjectural; for it is more probable that a greater number has prevailed over a ſmaller than otherwiſe; that ſtrength has defeated weakneſs, and vigilance and precaution neglect and ſecurity. This place is of great importance in deliberative matters, and in judicial it commonly has two queſtions in view; as, Was it the party's intention? Could he do it? For the hope of ſucceſs determines often the will; and hence this conjectural point ſo well diſcuſſed by Cicero. "Clodius way-laid Milo and not Milo Clodius, which ſufficiently appears from his being attended with ſtout ſervants, himſelf on horſeback, without any embaraſſment, and ready for the attack; whilſt Milo was incumbered with a train of women, rode in his carriage, and was wrapped up in his great coat." With the power may be joined the inſtrument uſed for executing a deed, whence ſometimes ariſe ſigns, as the point of a ſword or dart found in a man's body.

To all theſe is added the * manner, whereby we examine how the action had paſſed; and this ſerves both to judge of the quality of the fact, and queſtions of right: as, if we ſhould deny that the adulterer died by poiſon, when it was lawful to kill him by the ſword. The manner alſo is applicable to a conjectural queſtion; as if I ſaid that ſuch a thing muſt have been done with a good intention, becauſe done openly; or with a

* For powers or faculties, ſee Cic. pro Mil. n. 54, 55. pro Roſc. Amer. n. 74 and 92, 93.

† Manner. Pro Mil. n. 33 and 54. Pro Domo ſua, n. 53.

bad one, becauſe by ambuſh, at night, and in ſolitude.

But in all things, whoſe force and nature are to be examined into, and which we may conſider in themſelves, abſtracted from perſons and other conſtituents of a cauſe, three queſtions may likewiſe take place, as whether it be, what it is, and of what ſort? Yet, as there are certain places of arguments, common to all theſe, they are not reducible to theſe three queſtions, and therefore ſhould rather be ſubjected to the places they chime in with.

Arguments are drawn too from * definition, in doing which two ways are obſerved; for the queſtion may be either ſimple, "Is this a virtue?" or with a preſixed definition, "What is virtue?" This definition is ſometimes general, as rhetoric is the art of ſpeaking well; and ſometimes ſpecial, as rhetoric is the ſcience of inventing, diſpoſing, and expreſſing well all the parts of a diſcourſe, with a faithful memory, and a gracefulneſs and propriety of action. Sometimes it is the import of the thing defined, as in the foregoing examples, and ſometimes it is only a name, of which the ſignification is explained.

Genus, ſpecies, difference, property, all places for arguments, are naturally ſubjected to definition.

* Definition. Of liberty, Parad. v. Of true good, Parad. i. Of a rich man, Parad. vi. Of a city, Parad. iv. Of baniſhment, pro Domo ſua, n. 72. Of puniſhment, in Piſ. n. 43.—17. Of a popular man, Agr. ii. n. 9. and 10. Of the Roman people, pro Domo ſua, n. 89, 90. Of a conſul, in Piſ. n. 23. Of hiſtory, de Orat. l. ii. n. 36. By affirmation, of the court, pro Mil. n. 90. By negation, of the nobles, pro Sex. n. 9. By both together, Verr. v. n. 8.

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The * genus is of little or no ſignificancy for proving the ſpecies, but ſerves greatly to refute it. From being a tree, it does not follow that it is a plane-tree; but what is not a tree, can never be a plane-tree; neither can what is not a virtue, be ever juſtice. To form then a good definition, we muſt deſcend from the genus to the laſt ſpecies. To ſay a man is an animal, is not enough, as animal is the genus. To ſay he is a mortal animal, argues a like deficiency, the definition being common to other animals; but by ſaying he is a rational animal, nothing will be wanting to complete the definition.

On the contrary, the † ſpecies affords a ſtrong proof of the genus, and refutes it but weakly; for what is juſtice, is neceſſarily a virtue, and what is not juſtice, may be a different virtue, as fortitude, temperance. The genus therefore ſhould never be removed from the ſpecies, unleſs all the ſpecies ſubjected to the genus, be alſo removed; as thus: "What is neither mortal nor immortal is not an animal."

Property and difference belong alſo to the definition. The firſt confirms, the ſecond refutes it. Property is either peculiar to one thing alone, as ſpeech and laughter to man; or to one thing always, but not only, as heat to fire. The ſame

* Genus. The virtues of a general, pro Lege Man, n. 64. 67. Elogium of the Belles Lettres, pro Arch. n. 12, 20. Of the heinouſneſs of parricide, pro Roſc. Amer. 62, 72. Of Greek witneſſes, pro Flac. n. 9. Of Stoical, pro Mar. n. 61, 67.

† Species. The temperance of Pompey is commended from the principal ſpecies of temperance, pro Lege Man. n. 40. The wickedneſs of Piſo is exaggerated from the ſpecies of cruelty, avarice, treachery, impiety, in Piſ. n. 88, 94.

thing may alſo have many properties, as fire, heat and light. Therefore properties not agreeing with the definition, will make it faulty; yet, not every property agreeing with it, will make it better. The conſideration of what is proper to every thing, gives riſe to many queſtions; and hence if it ſhould be ſaid by etymology, that it is proper to a tyrant-killer, to kill a tyrant, I deny it, becauſe an executioner, or another who kills him inadvertently, or againſt his inclination, cannot properly be called a tyrant-killer. But what is not a property, will be a difference, as it is one thing to be a ſlave, and another to be a ſervant, the latter being the condition of inſolvent debtors; but the former, if ſet at liberty, becomes free, which is not the caſe of him whom the law delivers up to make ſatisfaction to his creditors in the way of ſerving them. . . .

There is a ſort of argument deduced from amotion or removal, by which the whole is ſometimes made falſe, and ſometimes the propoſition that is left, is the only that is true. The whole becomes falſe in this manner: "You ſay you lent money; then you either had this money yourſelf, or you got it from another, or you found it, or you ſtole it; but if not one of thoſe particulars can be proved, it is plain you never lent this money." The remaining propoſition becomes true, thus: "The ſlave, whom you pretend to be your property, was either brought up in your family, or he was your's by purchaſe or preſent, or he was left to you by will, or he was a captive, or he was the property of another." If none of the foregoing

going propoſitions can be proved, the inference will be in favour of the laſt.

But the genus in theſe diviſions retains ſomething of a dangerous tendency, and therefore ought to be inſpected with care; for from the omiſſion of one only ſpecies, the whole may diſmiſſed as a ſubject of ridicule. It is ſafer to proceed as Cicero does for Cecinna, when he aſks, "If this be not the point in queſtion, pray what is?" He thus at once amoves all the other ſpecies. There is another way of propoſing two things contrary, of which it is enough one ſhould be true, as in this example from Cicero: "No one can be ſo unjuſt to Cluentius, as not to agree with me, that if the judges were corrupted, they were ſo either by Habitus or Oppianicus. If I prove they were not by Habitus, it will neceſſarily follow that the guilt lies to the charge of Oppianicus; and if I convict him, of conſequence Habitus muſt be cleared." . .

There is alſo a place for arguments from * ſimi-larities; as if continence be a virtue, ſo alſo is abſtinence. If a guardian ought to give ſecurity, ſo alſo ought an agent. . From † diſſimilarities; if chearfulneſs be a good, voluptuouſneſs cannot be ſo likewiſe. If you may pay money to a woman, you cannot to a ward, or one in the ſtate of ‡ pu-

* Similitude. For proving, pro Cluent. n. 67. pro Mur. n. 4. pro Sext. n. 24 and 25. For ornament ſake, pro Lege Manil. n. 22. Philip. ii. n. 115. Philip. viii. n. 15.

† Diſſimilitude, pro Mur. n. 19. 22. Pro Planc. n. 68.

‡ This example is taken from Cicero's Topics, and the ſenſe of it is; if you can pay money to a woman without the authority of her guardian, you cannot to a ward or pupil. Women formerly were under a perpetual guardianſhip, and this is the reaſon of the example.

pilage.

pilage. . From * oppoſites; frugality is a good, for luxury is an evil. If war be the cauſe of calamities, peace will be their remedy. If that man deſerves pardon who had no intention of doing amiſs, it does not follow that the doer of a ſervice unwittily is intitled to be rewarded. From † contradictories; he who is a fool, is not wiſe. From ‡ conſequents, or adjuncts; if juſtice be a good, we ought to judge juſtly. If treachery be an evil, we muſt not deceive. .

I ſhould think it ridiculous, unleſs Cicero had uſed them, to add to theſe what they call § conjugates, as that they who do a juſt thing, act juſtly; and that a common ought to be in common; for ſuch indeed want no proofs.—

The arguments are called appoſites or ‖ comparatives, which prove greater from leſs, leſs from greater, parity from parity.

Conjectural matters may be proved by arguments from greater to leſs, as, he who is guilty of committing ſacrilege, will make no ſcruple of being guilty of theft. From leſs to greater; he who tells barefaced lies will perjure himſelf. From parities; he, who took a bribe to judge contrary to juſtice, will do the ſame to bear falſe witneſs.

Queſtions of right may be proved the ſame way; from greater to leſs; if it be lawful to kill

* Contraries, pro Cœl. n. 31. pro Cluent. n 135.

† Contradictories, pro Cœl. n 45. Philip. ii. n. 30, 31.

‡ Conſequents, pro Mil. n. 61. pro Flac n. 99. Catil. iv. n. 11, 12.

§ Conjugates, pro Marcel. n 12.

‖ Compariſon is threefold. From greater to leſs, pro Mil. n. 16 pro Roſc. Amer. n. 131. From leſs to greater, pro Lege Man. n. 11. pro Planc. n. 26. From partities, Catil. i. n. 17. pro Sylla, n. 3, 5.

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an adulterer, ſo alſo it is to whip him. From leſs to greater; if it be lawful to kill a thief in the act of breaking open your houſe at night, what muſt be ſaid of a robber, attacking you in the day? From parities; the puniſhment juſtly inflicted on one who has killed his father, ought likewiſe to take place on the killer of his mother. Theſe arguments are moſtly conducted in the ſyllogiſtic way.

The following arguments are rather better calculated for illuſtrating definitions and the qualities of facts. If ſtrength be not an advantage for bodies, health will be leſs ſo. If theft be a great crime, ſacrilege muſt be a greater. If abſtinence be a virtue, ſo alſo muſt continence. If the world be governed by providence, the commonwealth ought to be adminiſtered. If a houſe cannot be built without ſome reaſon, much leſs can a repoſitory for naval or military ſtores. . .

Arguments therefore, in order to ſum up briefly what has been ſaid, are drawn from perſons, cauſes, places, time, . . powers, (to which we have ſubjected inſtrument) manner, or the way every thing is done, definition, genus, ſpecies, differences, properties, removal, . . ſimilarities, diſſimilarities, oppoſites, contradictories, conſequents, . . conjugates, and compariſon, with its ſeveral ſpecies.

III. Theſe are, I may ſay, the places for moſt ſorts of arguments, which to treat in general would not be enough, each place being of itſelf an inexhauſtible fund; and yet to enter into a detail of them would be next to an impoſſibility, as appears from thoſe who made the attempt, having

ing involved themſelves in the two inconveniencies, of ſaying too much, and yet not all.

Whence many others, by giving into theſe inextricable ſnares, and by being chained down and fettered amidſt this multiplicity of rules and precepts, have loſt all the efforts of their genius, and by the cuſtom of looking back to the maſter, have ceaſed to follow the guidance of nature. For as it is not ſufficient to know in general, that all proofs ariſe from perſons or things, theſe two heads, being ſubdivided into many others; ſo alſo to know that arguments are to be deduced from what goes before, accompanies, or follows after, is of no great conſequence, unleſs it helps us to find out what ought to be ſaid in every cauſe, eſpecially as many proofs are ſo intimately connected with the nature of ſome cauſes, as not to agree with any other; and ſuch proofs are the moſt powerful, and yet the leaſt obvious; from which it appears, that the uſe of * common precepts is only for facilitating the finding of what may be ſuitable to each cauſe. This ſort of arguments we may well call "circumſtantial," as ariſing from † circumſtances, or things ſerving to illuſtrate the nature of each cauſe. . .

We ought to be not leſs careful in propoſing than in proving well what we propoſe. Here conſiſts the excellency of invention, if not the greateſt, at leaſt the firſt. Miſſive weapons are of no ſer-

* The uſe of common precepts is calculated for no other purpoſe than to accuſtom us to find and enforce the arguments that are fitting and peculiar to every cauſe.

† περίστασις.

vice

vice to him that throws them about at random, ſo are arguments, unleſs known to what they are applicable. This is what cannot be directed by art, and therefore though many have learned the ſame things, and adopt the like kinds of arguments, yet one will find more for uſeful purpoſes than another.

I ſhall here, for example ſake, propoſe a controverſy which has nothing common with ordinary queſtions. When Alexander had taken and ſacked the city Thebes, he found a deed, purporting that the Thebans had lent the Theſſalians a hundred talents; but the Theſſalians having aſſiſted him in the war, he cancelled in their favour the obligation of this debt. The city of Thebes being afterwards rebuilt by Caſſander, the Thebans demanded payment of their hundred talents. The cauſe was referred to the deciſion of the * Amphictyons. It is certain the Thebans had lent the hundred talents and were not repaid them. The ſtreſs of the whole proceſs lay therefore on Alexander's remitting them the debt. It is alſo certain that he gave them no money. The queſtion will therefore be, "Whether this remiſſion of the debt is the ſame as if he had given them money?" Here the places of arguments will little avail me, unleſs I firſt conſider, that the donation was of no effect, by reaſon of his inability to make it, and therefore that what he ſo remitted was in itſelf null and void.

At firſt the caſe may appear admiſſible and

* The Amphictyons were ſupreme judges of all Greece. Their judgment ſeat was at Thermopylæ, and here all the people of Greece uſed to aſſemble on extraordinary occaſions.

much in favour of the Thebans, who make a legal demand of what was forcibly taken away from them; but hence a ſtubborn and embaraſſing queſtion ariſes in regard to the right of war, the Theſſalians urging it as a right that maintains kingdoms, people, cities, nations, in their poſſeſſions. Some reaſons muſt be alledged againſt them, which may argue ſome peculiarity in the cauſe of the Thebans, and ſhew that there is a wide difference between the condition of their contract, and other things that may fall to the power of a conqueror. The difficulty will then lie, not ſo much in the proof, as in the propoſition; whereupon it may firſt be remarked, that in an affair ſubmitted to the deciſion of a court of juſtice, the right of war cannot be well admitted into conſideration; that what has been taken away from another by arms, muſt be retained by arms; and that where juſtice preſides, force and violence muſt relinquiſh their claim, and ſo muſt juſtice her right when overpowered by violence. Theſe particulars ſhould be found, before arguments are applied, as ſuppoſe the following: "If captives can make their eſcape, and return to their country, they are again free, becauſe the acquiſitions of war muſt be retained by the ſame methods of violence." It is likewiſe an advantage to the cauſe of the Thebans, that the Amphictyons are judges in it, the form and ſolemnity of judgment being different in * ſupreme and ſubaltern courts of juſtice.

In the ſecond place it may be pleaded that a

* Here Quintilian oppoſes to the Amphictions the Centumviri at Rome, who in his time were conſtituted judges in great and public cauſes.

conqueror

conqueror could not beſtow a right he had not, that being his only in right of conqueſt, which he is really poſſeſſed of, whereas an incorporeal right can admit of no ſeizure. It is more difficult to find this propoſition, than when found, to ſupport it with proofs and reaſons, as that the condition of an heir is different from that of a conqueror, becauſe the right paſſes to the former, and the thing only to the latter. It may next be obſerved, that the right of a public loan could not paſs to a conqueror, becauſe what a people lent is due to all and every one of them, and due to all of theſe people who ſurvived the war, and were reputed creditors of the whole ſum: but all the Thebans did not equally fall into the hands of Alexander; a fact ſelf-evident, and therefore requiring no proof.

In the third place, it may be made to appear by many arguments, that no immediate right is inherent to the written * obligation itſelf. The intention alſo of Alexander may admit of a doubt, as whether he pretended to compliment or deceive the Theſſalians? In another point of view likewiſe, yet peculiar to the cauſe, and forming a new queſtion, it may be ſaid, that though the Thebans might have loſt their right, they recovered it in virtue of their re-eſtabliſhment. Here too the intention of Caſſander becomes a matter of conſideration; but as the Amphictyons are to pronounce judgment, nothing will have ſo good an

* It being of no ſignificancy in equity, who are found poſſeſſed of it, ſo its purport is not conteſted, or its validity called in queſtion; and here this cannot be but in virtue of Alexander's diſpenſation.

effect as a diſſertation on natural equity, which with them outweighs all law-forms, and is commonly the rule of their deciſions.

IV. I have not made theſe obſervations, as being of opinion, that the knowledge of the places arguments are drawn from, are unneceſſary: if I had thought ſo, I ſhould not have taken the pains to point them out. But I would caution thoſe poſſeſſed of this knowledge, not to imagine themſelves perfect and conſummate, if they neglect other eſſentials; and unleſs in theſe, which I ſhall ſoon deliver precepts for, they endeavour to be thoroughly verſed, they may depend upon it they have only attained a ſort of mute ſcience. There is no reaſon to fancy, that arguments have not been found but in conſequence of rules and precepts: all have been rather the reſult of reflection and obſervation before precepts exiſted, and for them we are indebted to the collections ſince made by ſome accurate writers. A good proof of this appears from the examples quoted by them, which are all borrowed from the ancient orators. Themſelves produce no new ones, nor any thing that had not been ſaid before them. They were therefore the artificers who ſpoke them; yet are we not leſs obliged to thoſe, who have ſmoothed the way for us, and leſſened our labour. For whatever the firſt orators invented by the force of genius, their care has ſaved us the trouble of enquiring after, and all now are familiarly known to us. But this is no more enough than a bare acquaintance with the diſcipline of the Palæſtra. To be practiſed therein the body muſt be prepared by exerciſe, continence, and a proper diet.

Still

Still all theſe helps to nature will little avail without a proficiency in the ſlights and dexterity directed by art.

The ſtudious of eloquence ſhould think, that the things we have demonſtrated, cannot all be found in all ſorts of cauſes, and therefore when the ſubject of a diſcourſe is propoſed, they are under no neceſſity of ranſacking all the above ſpecified places, and knocking, as it were, at their door, to ſee if perchance any might furniſh the proofs they want. This would be adviſeable on their firſt ſetting out, as they yet want experience; otherwiſe the adjuſting the materials of a diſcourſe would occaſion infinite ſlowneſs in compoſition, more eſpecially if they wanted to know by trial the fitneſs and agreement of each in particular. And indeed, for aught I know to the contrary, this multiplicity of precepts may be rather an obſtacle than means to acquire eloquence, unleſs happy natural parts, and a facility exerciſed by ſtudy, conduct us directly to all that is ſuitable to a cauſe. A fine voice charms infinitely when it aptly keeps time with the ſounds of a muſical inſtrument, but it is better heard alone, if the hand be eſtranged from the art of accompanying and preſerving the harmonical proportion. In like manner, the doctrinal precepts of eloquence ſhould bear a ſort of affinity to muſical perfection. But this is not attainable without great exerciſe; for though the performers of pieces of muſic may ſeem to look elſewhere, and be otherwiſe intent, yet by practice and cuſtom they execute without heſitation flats, ſharps, and all other intermediate ſounds; ſo this variety and abundance of arguments, far

from diſtracting the mind of the orator, will occur of their own accord, and of courſe their proofs will follow; juſt as letters and ſyllables flow without thought from under the hand of the writer.

CHAP. XI.

Of Examples.

THERE is a third ſort of extrinſic proof, applicable to cauſes, which is example, called by the Greeks παράδειγμα. . . It is a commemoration of a fact recorded in hiſtory, or of one commonly received, and of ſervice to perſuade what you intend. It muſt therefore be conſidered whether there be a ſimilarity in the whole, or only in a part of it, that it may be made uſe of entirely, or only ſo far as it may ſerve our purpoſe. It is ſimilar, as, Saturninus was juſtly put to death, ſo alſo were the Gracchi. Diſſimilar: Brutus killed his own children for being traytors to their country, and Manlius puniſhed with death the valour of his victorious ſon, becauſe he fought contrary to orders. Contrary: the ornaments, which Marcellus reſtored to the people of Syracuſe, when they were our enemies; Verres robbed them of, when they were our allies. Theſe examples are equally calculated for proofs in the judicial and demonſtrative kinds; and in the deliberative kind, which looks to futurity, nothing is ſo perſuaſive as inſtances of like things; as, if one ſaying, that Dennis did not ſo much require guards for the ſecurity of his perſon, as to tyrannize over his people, ſhould alledge this example, that Piſiſtratus

tus by the ſame means uſurped the ſupreme power.

Some examples are intirely ſimilar, as the laſt cited; and others are from greater to leſs, or leſs to greater; as, if the violation of marriages has cauſed the deſtruction of ſtates and cities, what puniſhment does not an adulterer deſerve? When our * muſicians deſerted the city, they were honourably recalled by a decree of the ſenate; by how much the more ought not the leading men of the city, and who have deſerved well of the republic, be recalled from baniſhment, who in turbulent times have been obliged to yield to the machinations of envy? Imparities are attended with good effect in exhortations: as, courage is more admirable in a woman than man; ſo that if any one is to be excited to a brave action, the example of Horatius and Torquatus will affect leſs than of the woman, by whoſe hand Pyrrhus was ſlain; and Lucretia will be a more illuſtrious example of reſolute death than Cato and Scipio. Theſe examples are from leſs to greater.

I ſhall give a diſtinct idea of theſe different kinds by examples from Cicero, for where ſhall I find better? He juſtifies † Murena by his own example. "It was my lot to ſue for the conſulſhip in competition with two patricians, the one notorious for his wickedneſs and effrontery, the other highly commendable for his integrity and modeſty; yet I prevailed over Cataline's high rank, and over Galba, in credit and intereſt."

* Liv. l. ix. n. 30. † Pro Murena, n. 17.

We have an example from greater to leſs in his oration for *Milo. "Our enemies aſſert that a man confeſſing the guilt of killing another, is not worthy to behold the light. In what city would theſe ignorants ſet on foot this diſpute? In that, indeed, where the firſt cauſe on a capital offence of this kind, was that of the brave M. Horatius, who pleaded guilty to the killing of his own ſiſter, yet was acquitted by the aſſembly of the people, when even the city did not enjoy the liberties of a republican government." From leſs to greater. "I † killed, I killed, not Spurius Melius, who by ſpending his ſubſtance in largeſſes on the people in a time of a ſcarcity, was ſuſpected from this beneficent act of aiming at making himſelf king; but I killed Clodius, (for Milo might confidently ſay ſo, having by ſo glorious an act delivered his country from danger) an infamous monſter, who had prophaned our religious ceremonies by an accurſed adultery."

Diſſimilar examples become ſo various ways, by kind, manner, time, place, and other circumſtances, all which Cicero has recourſe to for deſtroying the prejudices againſt Cluentius. In this oration, from an example of contraries, he blames the conduct of the Cenſors, by commending that of Scipio Africanus, who when cenſor ſuffered a Roman knight to paſs unnoticed in the review, though he knew him perjured in ‡ form, and

* N. vii.

† Pro. Mil. 72.

‡ The ancients in ſwearing obſerved a certain form of words, and that they called *conceptis verbis jurare*. If any one taking ſuch oath ſaid what was falſe, he was reported to have perjured himſelf in form. The better to underſtand what is mentioned

would have given teſtimony himſelf againſt him, if any one had offered to prefer a complaint of him. I do not quote theſe examples in their own words, as being too long. But we may find a ſhort example of contraries in Virgil:

> Not ſo Achilles, whom with lying vaunt
> Thou call'ſt thy father; he not ſo behav'd
> To Priam his foe: but rev'rencing the rights
> And faith of ſuppliants Hector's corps reſtor'd
> To burial; and diſmiſs'd me to my realms.
>
> TRAPP.

Sometimes the whole of a fact, as recorded in hiſtory, is related, which Cicero does in his defence of Milo: "A tribune of the army of Caius Marius, and that general's relation, having ſollicited a young ſoldier to condeſcend to his unlawful deſires, the ſoldier chooſing rather to hazard his life, than admit a ſhameful action, killed the tribune. The conſequence was that Marius himſelf, that great man, pardoned and bore him harmleſs." Sometimes it will be ſufficient to give a hint only of examples, as Cicero alſo does for Milo: "If it be not lawful to kill the wicked, we muſt then condemn Hala Servilius, P. Naſica, L. Opimius, and the whole ſenate, who in my conſulſhip made no ſcruple of cutting them off." Theſe particulars may be ſo mentioned as well

tioned in the text concerning the Roman knight, it will not be amiſs to obſerve, that on the Ides of July, the Roman knights were muſtered on horſeback, and ſuch of them as the cenſor intended to degrade and mark with infamy, he took their horſes from them.

known, or as the advantage, or propriety of the cauſe may require.

The ſame may be ſaid of poetical fictions, with this difference, that as they have leſs authority, they muſt meet with leſs credit; but the uſe they may be put to, Cicero, a great maſter in all reſpects, again ſhews us in his oration for Milo: Therefore, gentlemen, it is not without good reaſon, that learned men in apocryphal hiſtory have handed down to us the tradition, that he, who in order to revenge his father, killed his mother, the judges being divided in opinion on ſo extraordinary a caſe, was acquitted not only by the verdict of men, but alſo by that of a goddeſs, whom we particularly revere for her wiſdom."

Fables likewiſe, attributed moſt commonly to Æſop, though Heſiod ſeems to be their original inventor, may ſerve for good examples, eſpecially to country people and the illiterate, who willingly liſten to ſimple fictions, and eaſily aſſent to whatever pleaſes their fancy. Thus it was that Menenius Agrippa is ſaid to have reconciled the common people to the ſenators by the well known fable of the human limbs rebelling againſt the belly. And * Horace we find did not make ſlight of the humble application of fables in his compoſitions.

Next to example, ſimilitude is of moſt efficacy, and eſpecially that which is drawn without any mixture of metaphors from things almoſt alike. Such is † this: "As in elections, they, who make a practice of ſelling their votes, are bitter

* L. i. Epiſt. i. 5. 73.—Olim quod vulpes ægroto cauta leoni, &c. . .

† Pro Cluent. 75.

enemies

enemies of all candidates whom they think ſparing of their money; ſo theſe unjuſt judges came with a premeditated deſign to ruin the defendant." Compariſon traces things ſomewhat higher up, and takes in not only the tranſactions of human life, which bear ſome relation to each other, as in Cicero for * Murena: "If mariners, returned from a long voyage, have the kindneſs to inform others who are going to undertake the like, of the variety of winds, the haunts of pyrates, the ſhelves and rocks that are to be avoided, the nature of different harbours, and the difference of climates; all men being prompted by a principle of humanity to favour and help thoſe who are to engage in the ſame dangers they have already eſcaped themſelves: ſo I, who after ſo many tempeſtuous blaſts, do ſee myſelf on the point of happily making land, what ſentiments ought I not to entertain for a man, who is juſt launching forth amidſt the ſtorms that now agitate our republic?"—But alſo, extends to mute and inanimate beings: . . . as if the culture of the mind was propoſed, you ſhould uſe the ſimilitude of a piece of ground, which neglected produces nothing but brambles and thiſtles; but cultivated, charms with delectable fruits and flowers: or, if in counſelling a proper regard for the commonwealth, you ſhould ſhew that bees and ants, not only mute but little animals, labour for their common good. Cicero uſes a compariſon of this kind † where he ſays, that "a city without laws, can no more make uſe of its citizens, than a body without a ſoul can make uſe of blood,

* N. iv. † Pro Cluent 146.

nerves, and limbs." As he adopts this compariſon of the human body for Cluentius, ſo for Cornelius he adopts that of horſes; and for Archias, that of rocks and ſtones. There are other ſimilitudes of a more immediate relation, as that an army without a general, is like a ſhip without a pilot.

The relations, however, of ſimilitudes, ſometimes lead us into miſtakes, and therefore we ſhould be cautious in their application. For though a new ſhip may be more ſerviceable than an old one, yet a new friendſhip is not therefore preferable to one of long ſtanding; and if a woman be commendable for diſtributing her money in charitable donations to many objects of want, ſhe will not in like manner be commended for imparting her favours. Here the import of the words is ſimilar, but the application widely different. We ſhould therefore carefully examine, if the inference be ſimilar; otherwiſe theſe inductions will prove dangerous by unguarded anſwers, as was the caſe of Aſpaſia, Xenophon's wife, introduced as a reſpondent in a dialogue of Æſchines, in which he imitated the Socratic manner of induction. "Prithee, tell me, thou wife of Xenophon, if a lady, your neighbour, was poſſeſſed of gold more precious in quality, and more in quantity than you are, which would you rather have hers or your own? Hers, anſwered ſhe. And if her cloaths and other ornaments of dreſs, were of greater value than yours, which would you chooſe? Hers undoubtedly. But if ſhe had a better or finer man to her huſband, which would you prefer? Here Xenophon's wife bluſhed," and with good reaſon, for her

her firſt anſwer was a bad one, that ſhe had rather have another's gold than her own, which was vicious. But if ſhe had anſwered, ſhe would rather have her own gold, ſuch as it was, ſhe could have anſwered conſiſtently with the character of a virtuous woman, that her huſband, ſuch as he was, was more to her liking than any other. . .

To other extrinſic proofs is added authority, which ſome, in imitation of the Greeks, call * judgments, not thoſe pronounced on a cauſe, being rather properly examples and precedents, but the opinions of nations, people, wiſe men, illuſtrious citizens, poets, and others.

Certain ſayings, confirmed by popular perſuaſion, are not alſo without their uſe in the way of teſtimonies, and even in ſome meaſure may wear a face of good authority, ſo much the more, as not inherent to cauſes, but rather the effuſions of minds uninfluenced by prejudices of any ſort, and therefore only ſaid or done as appearing good or true.

If I ſpeak of the miſeries of this life, may I not make an impreſſion on minds by mentioning the cuſtom of ſome † nations, who weep at the birth of their children, and rejoice at their death? Or, if I recommend a perſon to mercy, will it be amiſs to obſerve, that the wiſe republic of Athens, not only received it as a ſentiment of humanity, but even as a deity?

Do we not repute the precepts of the ſeven wiſe men, as certain rules of life? Should a woman

* κρίσεις.

† Herodotus relates this of the Thrauſi, a neighbouring people to Thrace. Lib. v. n. 4.

convicted

convicted of adultery be accuſed alſo of poiſoning, will ſhe not ſtand condemned in the opinion of Marcus Cato, who ſaid that an adultreſs is capable of perpetrating any crime?

Add to this, that not only orations, but likewiſe the books of philoſophers, abound with ſentences from poets. The latter, though believing an inferiority in all things to their precepts and literature, yet have not thought it beneath them to give a ſanction to their ſayings by an apt quotation from poets. Of this there is a notable example, in the defeat of the Megareans by a * verſe from Homer, when they contended at law with the Athenians, on the right to Salamis. This verſe, however, is not found in all copies of Homer, ſignifying that Ajax had joined his ſhips with thoſe of the Athenians.

There are ſentences, maxims, and proverbial ſayings, the authors of which are not known, and therefore they are in every one's mouth: as, "Friends are as valuable as riches;" "Conſcience is equivalent to a thouſand witneſſes;" "Like † aſſociate with like." And indeed theſe would not have been perpetuated, did not all men equally find them true. . .

* Plutarch in the life of Solon relates, that Solon inſerted the latter verſe, and by that means gained the cauſe. The verſes of Homer are theſe, Il. B. 557.

Αἴας δ' ἐκ Σαλαμῖνος ἄγεν δυοκαίδεκα νῆας
Ἐτῆσε δ' ἄγων ἵν' Ἀθηναίων ἵσταντο φάλαγγες.

† Birds of a feather flock together.

CHAP.

CHAP. XII.

Of the uſe of Arguments.

An argument ought moſt commonly to have a known certainty, yet ſometimes requires to be proved.—The ſtrongeſt arguments are to be treated ſeparately, but the weakeſt ſhould be enforced in a body.—It is not enough to ſtate the arguments, they ought to be helped.—Of the proofs which are drawn from the paſſions.—In what place the moſt powerful arguments ought to be uſed.—Againſt effeminate eloquence.

THUS far have I diſcuſſed concerning proofs, all that I have known to be either delivered by others, or diſcovered by experience, to the preſent time. Yet am I not confident that they are the only; and I would adviſe further inquiries, as others may ſtill be found; but ſuch as may, I dare ſay, will not be much different from thoſe I have enumerated. I ſhall now ſubjoin ſome curſory reflections on the manner of uſing them.

It is commonly laid down as a principle, that an argument ought to have a known certainty, as doubtful things cannot be proved by doubtful. We often, however, alledge reaſons towards the proving of a fact, which want to be proved themſelves, as if it ſhould be ſaid to a woman, "You killed your huſband, for you was an adultreſs." She muſt be firſt convicted of adultery, that the certainty of that crime might be a proof of the uncertainty of the murder. "You killed that man, for the point of your ſword was found in his

his body." The identity of the ſword muſt be proved to give weight to the aſſertion. Here it is neceſſary to obſerve, that of all arguments the ſtrongeſt are thoſe, which from doubtful are made certain. "You committed that murder, for your cloaths were bloody." If he confeſſes that his cloaths were bloody, the proof is not ſo forcible, as if he was convicted of it; for his cloaths might be bloody from a variety of cauſes. If he denies it, then the whole ſtreſs of the matter will lean to the denial, which if made void, conviction will follow of courſe; for it does not ſeem that he would have perſiſted in denial, unleſs he deſpaired of being able to defend himſelf by his confeſſion.

If proofs be ſtrong and cogent, they ſhould be propoſed and inſiſted on ſeparately; if weak, it will be beſt to collect them into a body. In the firſt caſe, as perſuaſive of themſelves, it would be improper to obſcure them by the confuſion of others, that they might appear in their due light; in the ſecond, as naturally weak, they ſhould be made to ſupport each other. If therefore they are effective of no great matter in point of quality, they may in that of number, all of them having a tendency to prove the ſame thing; as if one was accuſed of killing another on account of inheriting his fortune: "You did expect an inheritance, and it was ſomething very conſiderable; you was poor, and your creditors troubled you more than ever; you alſo diſobliged him who had appointed you his heir, and you knew that he deſigned to alter his will." Theſe proofs taken ſeparately are of little moment, and common; but collectively, their

ſhock

ſhock is felt, not as a peal of thunder, but as a ſhower of hail.

Some arguments it will not be enough to propoſe barely, without diſplaying them in all their colours. If luſt was the cauſe of the crime, its tyrannic ſway over the will may be expatiated on: if anger, you may deſcribe the exceſſes that paſſion often prompts men to. Thus your arguments will be more forcible, and withal will aſſume more comelineſs, if they ſhew not limbs, meagre and deſtitute, as it were, of fleſh. In attributing a bad act, ſuppoſe to hatred, it matters much whether the motive be from envy, injury, or ambition; whether it be an old grudge, or of a late date; whether it be to the prejudice of an inferior, equal, or ſuperior; of a ſtranger or neighbour. All theſe circumſtances have their particular diſcuſſions, but muſt be directed to the advantage of the party we plead for.

The judge's memory, however, is not to be always loaded with all the arguments we may invent. They will create diſguſt, and beget diſtruſt in him, as he cannot think ſuch arguments to be powerful enough, which we ourſelves do not imagine ſufficient. But to go on arguing and proving in ſelf-evident things, would be a piece of folly not unlike bringing a candle to light us when the ſun is in its greateſt ſplendour.

To theſe ſome add proofs they call * moral, drawn from the milder paſſions; and the moſt

* Quintilian ſeems to have ſaid παθητικας *pathticas* for *ethicis*. Ariſtotle has written of *Ethics*, which are drawn from the morals of men, of which Quintilian here treats, as of *Pathtics* in his ſixth book.

powerful

powerful in the opinion of Ariſtotle, are ſuch as ariſe from the perſon of him that ſpeaks, if he be a man of real integrity. This is a primary conſideration; and a ſecondary one, remote indeed, yet following, will be the probable notion entertained of his irreproachable life. Whence that noble confidence of Scaurus in his defence: "Quintus Varius, a * Sucronian, ſays that Æmilius Scaurus is a traytor to the Roman republic; Æmilius Scaurus denies it." Iphicrates is ſaid to have behaved the ſame way in a like cauſe; for having aſked Ariſtophon, his accuſer, if he would betray the ſtate for money; and being anſwered, no: "Well then, ſays he, what you would not do, I have." . .

It has been alſo a matter of debate, whether the ſtrongeſt proofs ſhould take place in the beginning, to make an immediate impreſſion on minds; or at the end, to make the impreſſion continue with them; or to diſtribute them, partly in the beginning, and partly at the end, placing the weaker in the middle, according to the † order of battle ſet forth in Homer; or laſtly, to begin with the weakeſt, and proceed gradually to the ſtrongeſt. For my part, I think this ſhould depend on the nature and exigencies of the cauſe; yet with this reſerve, that from powerful, the diſcourſe might

* He may ſo call him out of contempt, from Sucro, a river in Spain, as if a man of his inſignificancy ſhould be reputed to have produced a teſtimony of any weight to the prejudice of a noble Roman, and of ſo illuſtrious a family, as he was of. See Valer. Max. l. iii. c. 7. n. 8.

† Neſtor in Homer, Il. l. Δ. or 4. v. 297. places the ſtrong in front, the weak in the middle, and the beſt ſoldiers in the rear.

not

not dwindle into nugatory and frivolous arguments. . .

So far for the uſe of arguments, and as to their repoſitories or places, I well know that I have not ſhewn them all, yet enough for neceſſary purpoſes. This too, I have acquitted myſelf of with ſo much the more care, as declamations, which were formerly a * prelude and preparation for contentions at the bar, are now no longer expreſſive of their true image, being deſtitute of all appearance of manly vigour, by aiming at nothing further than merely pleaſing the ear. . .

An auditory of corrupt taſte and morals, may, indeed, if they ſo fancy, give their approbation to that emaſculated eloquence; but I ſhall always be of opinion, that there can be no ſuch thing as real eloquence, unleſs it exhibits the manly and uncontaminated ſpirit, the character of the auſtere and virtuous man. When the moſt eminent painters and ſculptors deſigned to paint or frame a beautifully proportioned body of a man, did they ever fall into the ridiculous error of taking for copy or model a † Bagoas or Megabyzus? They rather made choice of a young ‡ man of good ſtature and comely form, equally fit for the exer-

* *Præpilatis* in the text means unpointed or blunt ſpears, or capped with buttons, like our foils, which were uſed in the *Ludus Trojanus*, or the juſts and tournaments practiſed at Rome.

† A name in the Perſian language to ſignify a eunuch. Megabyzus was the favourite eunuch of Darius, and afterwards of Alexander.

‡ *Doryphoros*, *pikeman*, in the text: ſo the Greeks called a king's or prince's body-guards. They were commonly tall, and of accurate proportion in their ſhape. Polycletus framed a Doryphoros, which Lyſippus ſays was his maſter-piece.

ciſes

ciſes of the palæſtra, and the fatigues of war. Such only were the bodies they judged to be truly beautiful; and ſhall I, who have undertaken to form the Orator, furniſh him with tingling cymbals, and not with weapons of execution?

Let therefore the young Orator, for whoſe inſtruction I make theſe remarks, accuſtom himſelf as much as poſſible, to copy nature and truth; and as in ſchools he often engages in ſham battles, in imitation of the conteſts of the bar, let him even then have an eye to victory, and learn to ſtrike home, dealing mortal blows, and putting himſelf on his defence, as if really in earneſt. It is the maſter's buſineſs to require this duty, and to commend it according as it is well executed. For if they love praiſe to the degree of ſeeking it in their faults, which does them much harm, they will deſire it more paſſionately, when known to be the reward of real merit. The misfortune now is, that they commonly paſs over neceſſary things in ſilence, making little or no account of what is to the good of the cauſe, if it be not conducive to the embelliſhments of the diſcourſe. Theſe faults I have animadverted upon in * another work, and ſhall often in this. Now I reſume my preſcribed order.

* In a book, on the cauſes of corrupt eloquence, which is not extant.

CHAP.

CHAP. XIII.

Of Refutation.

I. *It is more difficult to defend, than to accuse.* II. *What the adversary has advanced against us, if it belongs to the cause, we must deny, defend, or plead a non-suit.—If it be foreign to the cause, we must cursorily refute it.* III. *Whether the refutation of many things should be attempted together, or each of them only in their turn.—It will be enough to deny what is palpably false.—We must strive to point out something which may appear either contrary to, or different from the cause, or incredible, or superfluous, or rather belonging to our cause.* IV. *Common places from conjecture, definition, quality.—Some things are sometimes properly made slight of.—In things like we must seek for something unlike.* V. *When the very words of the adversary ought to be quoted, or others substituted to them.—When the whole crime is to be exposed, and when only parts of it.* VI. *Of arguments that are called common.—Of those contradictory to each other.—Of some vicious forms of argumentation.* VII. *How opposite contradictions are to be refuted by us; and when the person of the advocate may be attacked.—He advises declaimers not to advance such contradictions as may be easily answered.* VIII. *The Orator should not shew too much solicitude concerning the defence of his party.—We must see to which party leans the stress of the cause.*

THE refutation has two different objects in view, either as it regards defence, which intirely consists in refuting; or the answering of

objections, which ought to be equally cleared up on both ſides. It is properly aſſigned the fourth place in a cauſe, and its condition is always the ſame in either way of being employed. The arguments in it are drawn from the ſame ſources as thoſe in the proof; neither is there any material difference in thoughts, ſtyle, figures, manner, except that for the moſt part, it is more ſparing in moving the paſſions.

I. It is not, however, without reaſon, as Cicero often acquaints us, that it has been always thought more difficult to defend than to accuſe. The accuſation is much more ſimple. There is only one way of propoſing, but there are ſeveral ways of anſwering it. The accuſer thinks it ſufficient, if what he advances be true; whereas the advocate for the accuſed muſt deny the charge, or maintain it as lawful; muſt make it ſomething elſe, or excuſe, or deprecate puniſhment from it; muſt mitigate, leſſen, or ſhew that it is not according to the due form of law; muſt deſpiſe, or turn it into ridicule: ſo that the pleading on his ſide, is almoſt always * indirect, full of clamour and contention, and ſtanding in need of a thouſand turns, and all poſſible art. The accuſer beſides brings from home many particulars he has well ſtudied and duly reflected on, which the advocate muſt anſwer, and frequently what he little expected. The accuſer produces witneſſes, and the advocate muſt invalidate the purport of their depoſitions. The accuſer finds ample matter for deſ-

* Becauſe he does not directly, but indirectly make void the charge; and moſt commonly with great contention and buſtle.

canting on the odium and enormity of the crimes he proſecutes, though this odium is in the main falſe, as in caſes of parricide, ſacrilege, high-treaſon, which the advocate can only deny. Orators therefore of middling abilities have been found ſufficient as accuſers, but the moſt eloquent only have been capable of conducting a defence. In ſhort, to declare my real ſentiments of this matter, I may ſay, that accuſing is ſo much the more eaſy than defending, as it is eaſier to make than cure wounds.

II. In order to make a good defence, it will be extremely neceſſary to attend to the adverſary's charge, and his manner of executing it. The firſt conſideration ought therefore to be, whether that which we are to make anſwer to, belongs or is foreign to the cauſe.

If it belongs to the cauſe, it muſt be either denied, or defended, or proved defective in form of law. Beſides theſe three, there is no other reſource to get clear of a proceſs; for ſupplication in the delinquent's behalf, which is without any ſhew of defence, very ſeldom takes place, and is uſed only before judges, not tied down to any certain forms of law; though the pleadings before Cæſar and the Triumvirate for thoſe that had engaged in a different party, both recommend to mercy, and offer reaſons to excuſe their conduct, which appears from Cicero's vigorous defence of Ligarius: "Let us confeſs the truth, Tubero, what elſe did we ſeek after, than to have it in our power to do ourſelves, what Cæſar has done?" If the affair ſhould be before a prince, or other, who is under no controul in the judgment he may paſs, we

may repreſent to him, that though the perſon we plead for is deſerving of death for what he has done, yet his former merits intitle him to clemency; and here it muſt be a principal conſideration, that we have to do with a judge, and not with an accuſer, upon which account our ſpeech ſhould be more in the deliberative than the judicial order, uſing our beſt endeavours to perſuade him to prefer the glory of a humane temper to the gratifications of revenge. In regard to judges, who are to pronounce according to law, it is clear that a crime confeſſed is a crime condemned, and therefore it would be ridiculous to give precepts about facts not conteſted. Therefore likewiſe, what cannot be denied, nor admit of the plea of any defect in form, muſt be defended ſuch as it is, or we muſt deſpair of ſeeing our cauſe ſucceſsful.

We have already ſhewn that there are two ways of denying, either that the thing has not been done, or was not done in that manner. Now, whatever is not defenſible, nor defective in form, muſt be denied; not only, when by defining it we may change its nature, but even when no other reſource remains but denial. If witneſſes are produced, much may be alledged againſt them; if a written inſtrument, a forgery may be diſcovered by comparing the difference of the hand-writing. In fine, nothing is worſe than confeſſion.

When there is no room left for defending and denying, the laſt point that remains to be controverted in an action, is, whether it has been brought in due form of law? . .

If

If the adverſary's allegation is foreign to the cauſe, and yet has ſome affinity to it, I ſhould rather ſay, that it has nothing in common with the queſtion, or is ſo trifling in its conſequence, that there is no occaſion for ſpending time about it. Forgetfulneſs too may be pretended by the advocate, which will be very * pardonable in this reſpect, from the earneſt deſire that may appear in him for ſaving his party.

III. We ſhould next conſider whether it be more adviſeable to refute the accuſer's proofs all together, or after one another. Many are attacked together, if either ſo weak, that all of them may be made to yield to the ſame effort; or ſo troubleſome, that it would be inconvenient to encounter them one by one. So circumſtanced, we muſt charge the enemy by one general ſhock, and fight, as it were, with all our forces muſtered in the front of battle. Still if we find a difficulty in overpowering the adverſary's arguments, we may, at leaſt, compare ours with his, to ſhew that the advantage, if any, lies on our ſide.

The proofs that are ſtrong, collected in a body, as mentioned in the foregoing chapter, muſt be refuted ſeparately: "You was his heir, and you was poor, and you was harraſſed, and ſued for large ſums by your creditors, and you diſobliged your kinſman, and you knew that he deſigned to alter his will." Theſe proofs, thus urged all together, preſs hard; but if you take them ſingly, the flame that was ſtrong from its heaped up quantity of

* The text is here obſcure, and perhaps ſomething is wanting in it.

fuel, will ſoon appear languid by diſperſing the combuſtibles: juſt ſo, great and deep rivers branched out into ſtreams, become every where fordable.

It would be proper to reflect with ourſelves, which of theſe two ways would be more to our advantage, as then we may conform to it the propoſition, which will accordingly be either general or particular. For ſometimes it will ſuffice to collect into one propoſition, all the adverſary has made many of; as, if from his having enumerated the motives, which might have induced the accuſed to commit the crime in queſtion, without diſcuſſing all theſe motives, we ſhould ſay in general, that, becauſe one had ſeveral reaſons to do a thing, it does not follow he did it. However, in common, it will be beſt for the accuſer to produce his arguments in an embodied ſtate, and for the defendant to refute them ſingly.

It will be likewiſe neceſſary to conſider how the refutation ſhould be conducted in regard to what the adverſary has depoſed. If he has ſaid any thing palpably falſe, it will be enough to deny it; as Cicero for Cluentius, who denies the perſon to have died the ſame day, whom the accuſer averred to have died immediately after drinking the cup. As to things evidently contradictory, ſuperfluous, and ſilly, no art is required for refuting them, and therefore I ſhall give concerning them, neither precepts nor examples. With theſe may be claſſed the ſort of proof, called obſcure, which is an act ſaid to be done privately and without a witneſs. This muſt be naturally weak enough, as whatever the accuſer advances and does not prove, can be of

no weight. The ſame may be ſaid of things not belonging to the cauſe.

In all theſe caſes, much will depend on the orator's ingenuity to make appear that ſomething or other in the adverſary's allegations, is either contradictory, or foreign to the cauſe, or incredible, or ſuperfluous, or rather makes for his own. It was objected to Oppius, that he had enriched himſelf by ſavings out of the military proviſions and ſubſiſtence; a crime of a heinous nature! But Cicero ſhews the contrary, the ſame party having accuſed him of a deſign to corrupt the army by his largeſſes. In an information read againſt Cornelius, a promiſe was made of the accuſer's producing witneſſes to convict him of the fact; but Cicero makes this unneceſſary by granting, that Cornelius himſelf does not diſavow it. Quintus Cæcilius was a poſtulant for being commiſſioned to be the accuſer of Verres, becauſe he was his quæſtor; Cicero makes this very circumſtance a reaſon for obtaining the commiſſion for himſelf.

IV. All other things, which may not chime in with the directions hitherto given on this head, may be treated by the way of common places. For they are either diſcuſſed by conjecture, as whether they are true; or by definition, whether proper; or quality, whether diſhoneſt, unjuſt, wicked, inhuman, cruel, and the like. . .

Sometimes it will not be improper to hold ſome objections in contempt, and conſider them as trivial and no way pertinent to the cauſe. This Cicero does on ſeveral occurrences; and this air of contempt is ſo far attended with advantage, that

what muſt embaraſs us to refute, we may ſcornfully, as it were, tread it under foot.

But as moſt of theſe arguments are deduced from ſimilar inſtances, we ſhould uſe our beſt endeavours to diſcover in them ſome diſſimilarity. This is eaſily effected in matters of right. For, as the law has a diverſity of objects to regulate, we ſhall in conſequence the more readily diſcover the difference of things. It is eaſy to elude ſimilitudes drawn from mute animals, or inanimate beings; but the examples of things muſt be variouſly treated, if to our diſadvantage. The doubtful, we may call fabulous; the true, very unlike the caſe in queſtion, it being hard to meet with two examples exactly ſimilar; as if Naſica, for the killing of Gracchus, ſhould be defended by the example of Hala, by whom Melius was killed. A diſparity is obſervable in the intention of the ſlain, and the perſons of the ſlayers. Melius aimed at nothing leſs than regal power; Gracchus had only enacted ſome popular laws: Hala was maſter of horſe; Naſica acted in a private capacity. If all theſe reſources ſhould fail, we muſt then ſee to gain our point by pleading that the act was not lawful. The obſervations that hold good for examples, may alſo for adjudged caſes.

V. What I added as a ſecond precept, "That it was neceſſary to obſerve how the adverſary inſiſted on each article of his accuſation," deſerves this notice, that for what he has handled in a weak manner, we may quote his own words; but that if he has diſplayed any thing in the force and vehemence of ſtyle, we muſt ſtrive to ſoften it in milder terms, as Cicero does in his oration for

Cornelius. This too may be accompanied with a ſort of defence; as in pleading for a debauchee, we may ſay, that indeed he is ſomewhat indulgent to himſelf in his pleaſures; for a miſer, that he is a good œconomiſt; for a malevolent ſatyriſt, that he ſpeaks frankly his mind. But we muſt guard againſt relating facts with the adverſary's proofs, or ſetting them off in his colouring, unleſs when our deſign is to expoſe them to ridicule: "How, * Muræna, you have been then ſo long with the army, and ſo long abſent from Rome; and yet you come to diſpute the honours and dignities of the republic, with thoſe who have been always converſant with civil life?"

In contradictory allegations, the whole crime may be laid open to view, as Cicero does for Scaurus againſt Boſtar, mimicking, as it were, the manner of the adverſary's accuſation; or ſeveral propoſitions are joined together, and expreſſed in the adverſary's words, as in Cicero for Varenus: "When he journied through fields and ſolitary places in company with Populenus, it is ſaid, they fell in with the Ancharian family, and afterwards Populenus was killed; whereupon Varenus was inſtantly detained in bonds, till the accuſer ſhould declare how he would have him diſpoſed of."

This obſervation will conſtantly hold good, when the order of facts is incredible, and likely to loſe all belief by the expoſition. Sometimes what in the whole may be hurtful, is refuted by parts; and this is commonly the ſafer way. There are examples alſo of inconſiſtencies in ſingle propoſitions.

* Pro. Mur. xxi.

VI. Some

VI. Some proofs lie in common to both parties, and the defendant may employ them to good advantage, as being rather in his favour. And indeed, as I often hinted, whoever firſt uſes a common argument, makes it contrary; and it muſt be ſo, when the adverſary can make good uſe of it. "It is not * probable that M. Cotta ever thought of ſo villainous a thing; and if ſo, what face of probability is there that Oppius attempted the commiſſion of it?"

But it is the connoiſſeur's buſineſs to diſcover in the adverſary's pleading, whatever is, or may ſeem to be contradictory, which ſometimes appears from the facts themſelves; as when † Clodia ſays ſhe lent money to Cælius, a ſign of great familiarity; and again pretends that Cælius deſigned to poiſon her, a proof of the greateſt hatred: or, when ‡ Tubero makes it a crime in Ligarius, to have been in Africa; and yet complains that he hindered his being admitted there.

The ſame alſo ſometimes appears from ſome unguarded expreſſions of the accuſer, and this chiefly happens to ſuch as are overfond of ingenious thoughts. Regardleſs of what they ſay, provided they ſhew their wit, they only look to the embelliſhments of the preſent place, and ſo loſe ſight of what may be to the good of the whole cauſe. What in appearance could be a greater diſparagement to the cauſe of Cluentius, than the mark of infamy ſet upon him by the Cenſors? What ſo much againſt him, as the act of Egnatius for diſinheriting his ſon, becauſe, in concert with

* Cic. pro Oppio. † Pro Cœl. xxxi. ‡ Pro Lig. n. 9.

Cluentius,

Cluentius, he had bribed the judges to condemn Oppianicus? Yet Cicero ſhews that theſe two prejudices deſtroyed one another. "I * think, indeed, Accius, you ſhould diligently conſider, which judgment comparatively leans heavy, that of the Cenſors, or of Egnatius? If Egnatius's act is really oppreſſive, what the Cenſors have reſolved concerning the others is in the main a light puniſhment. They expelled Egnatius himſelf the ſenate, by whom you imagine his ſon has been treated with great ſeverity. If the Cenſors have purſued a wrong meaſure; you ſee notwithſtanding, that the ſon, whom the father has diſinherited, they have retained in the ſenate, though at the ſame time they expelled the father."

The following faults are too groſs to make it neceſſary for any one to be on his guard to take notice of them; as advancing a doubtful argument, for a certain; a fact conteſted, for one allowed; a proof common to many things, for that which is proper to the thing itſelf; or a trivial, unneceſſary, or † miſplaced proof, for one that ſtrikes home and is convincing. They, who are not ſufficiently circumſpect, fall likewiſe into the fault of exaggerating the crime inſtead of proving it; of diſputing concerning the fact, when the queſtion is concerning its author; of attempting impoſſibilities; of leaving things ſcarce begun for fully decided; of rather ſpeaking of the man than the cauſe; of aſſigning to events the vicious lives

* Pro Cluent. 135.

† *Serius conſtitutum* in the text, here rendered *miſplaced*, ſeems to be a proof which the adverſary has not uſed in its ſeaſonable and own place, but in one foreign to it, and therefore it is eaſily refuted.

of

of particular men, as if one ſhould impute the crimes of Appius to the Decemvirate; of arguing againſt evident proofs; of expreſſing things in equivocal terms; of loſing ſight of the principal queſtion; of not anſwering the ſtated points of accuſation. This laſt is the only excuſable fault, when ſometimes a bad cauſe is not defenſible without the application of extrinſic remedies, as if to palliate * Verres's crimes of extortion, his zeal and valour ſhould be commended for protecting Sicily againſt the depredations of pyrates.

VII. The ſame precepts equally regard the inconſiſtencies diſcoverable in the defence. This I think the more neceſſary to be obſerved, as many herein are guilty of two different faults. Some, even at the bar, paſs objections by in ſilence, as things troubleſome and hateful, and contenting themſelves with what they have brought with them, for the moſt part ſtudied, from home, ſpeak as if they had no adverſary. . . Others ſcrupulouſly exact, imagine it to be incumbent on them to anſwer every word and ſentence, which would be an infinite and uſeleſs labour. This is not finding fault with the cauſe, but with the pleader of it, whom I always would have appear ſo far eloquent, that if he ſpeaks what is conducive to his purpoſe, it may be thought a commendation of his wit, and not of the cauſe; and if any thing ſhould be found amiſs in what he ſays, it might rather be imputed to the badneſs of the cauſe, than charged to the account of his abilities. However, animadverſions on the orator's

* Ver. vii. n. 74.

manner

manner are ſometimes ſeaſonable, and attended with good effect. Cicero reproaches * Rullus with his obſcurity, Piſo with his puerility, † Antony with his ignorance of the matter, his impropriety of expreſſion, and even his inſipidity. Herein he followed his juſt reſentment; but invectives of the kind have their uſe, more eſpecially when you would bring an odium upon thoſe you thus make a ſubject of averſion.

There is another way of anſwering advocates, and not only ſometimes the ſpeech they have made, but alſo their life, their countenance, their gait, their dreſs, afford matter for ſatire. Theſe not only Cicero made an attack on in the ‡ perſon of Quintius, but alſo his long trailing white § robe garded with purple. Cicero had been piqued againſt him for irritating the minds of the people by his turbulent harangues againſt Cluentius, whoſe defence himſelf had undertaken. Sometimes, in order to leſſen the odium the aſperity of the adverſary's ſpeech has created, it is made a mockery of. Thus Cicero ridiculed that of Triarius; for having ſaid, that Scaurus's huge marble pillars were carried through the town in waggons: "Yes, replied Cicero, you are very right; I, who had mine hewn in mount Alba, was obliged to have them carried on pack-ſaddles." This way of turning things into a jeſt, is better countenanced againſt accuſers, whom the zeal of an advocate for op-

* Agr. ii. 13.

† Philip. iii. 22.

‡ Pro Cluent. n. 11.

§ *Prætexta*, a white robe bordered with purple, worn by the noble Romans, and commonly reaching down to their ancles.

preſſed

preſſed innocence authorizes ſometimes to treat ſarcaſtically. But the complaint is juſt and rational in all reſpects, when any of the orators acts ſo diſingenuouſly as to be ſilent upon any eſſential point, to ſuppreſs a part of it, to involve it in obſcurity, or to ſpeak of it too late and out of time. . .

But I muſt adviſe our declaimers againſt making to themſelves ſuch objections as may be anſwered with all eaſe imaginable, and at the ſame time argue folly and ſtupidity in the adverſary they figure to themſelves. This fault they give into from their paſſionate deſire of running after common places to acquire applauſe; for inſtead of confining themſelves to their ſubject, they foiſt into it, whatever they fancy. The * verſe that ſays, "A bad objection will beget a bad anſwer," is not unapplicable to them: And indeed, they will find themſelves miſtaken when they come to the bar, having there an adverſary to anſwer, and not themſelves. The poet Accius being aſked why he did not plead cauſes, his tragic powers being ſo conſiderable, is ſaid to have made this anſwer, "That in tragedy his characters ſpoke as he pleaſed, but at the bar his adverſaries would ſpeak quite contrary to his inclination." It is therefore ridiculous in exerciſes that are preparative to pleadings at the bar, to ſtudy what to anſwer, before it can be known what the objection will be: conſequently, a good maſter ſhould not

* *Non male reſpondit, male enim prior ille rogarat.* If an anſwer is weak, it may be no fault in him that makes it; for if he was better attacked, he might have defended himſelf better.

leſs

leſs commend his pupil for his accuteneſs in diſcovering what may make for the adverſe party, as well as for himſelf. . .

VIII. There is another fault of appearing over anxious, and too much embaraſſed about every trifling difficulty that occurs. It makes the judge diſtruſt the cauſe, and frequently the things which ſaid extempore might remove all doubt, become ſuſpected by delays and preparatory precautions, as it ſhould ſeem thereby recourſe was only had to them for want of ſomething more ſubſtantial. Let therefore the orator ſhew himſelf confident, and let him always ſo ſpeak as if he entertained the beſt opinion of the cauſe. This was an excellency in Cicero, as in all other reſpects. Every thing he advances is ſeconded by ſo great an air of ſecurity and authority, that it has the force of a proof, and leaves no room to doubt of his veracity.

Now, he that knows the ſtrong hold of the adverſe party and his own, will eaſily judge what he has to refute, and what to inſiſt on. In no other part the order to be obſerved will be attended with leſs trouble; for if we are plaintiffs, our own proofs are firſt to be eſtabliſhed, and next, the adverſary's refuted. If we are defendants, we are to begin with refuting. . . But it ſhould be a principal conſideration with both parties to know the main point and ſtreſs of the argument, as it commonly happens that many things are ſaid in cauſes, and but few judged of.

In the obſervance of theſe precepts conſiſts the manner of proving and refuting, which ſtill requires the aid of force and ornament from the abilities of the ſpeaker; for how good ſoever our rea-

ſons

ſons may be, they will appear weak, unleſs replete with the true oratorial ſpirit. . * .

CHAP. XIV.

I. *What an Epichirem, and what an Enthymem is.* II. *The orator ought to uſe them but ſeldom.* III. *What ſort of dreſs ſuits beſt arguments.*

I. THERE are three † parts of an Epichirem; the firſt intention, the ſecond aſſumption, the third connexion. We ſhall borrow an example from Cicero: "thoſe things are better governed, which are directed by wiſdom, than where wiſdom appears to bear no part in the adminiſtration; but nothing of all things is better governed than the world: therefore the world is governed by wiſdom." In theſe three conſtituent parts of the Epichirem the form is not always the ſame; yet the Epichirem itſelf is not otherwiſe different from the Syllogiſm, than that the latter has ſeveral ſpecies, and infers truth from truth; whereas the former is more frequently uſed in demonſtrating probabilities. . .

The Enthymem is called by ſome the orators ſyllogiſm, by others a part of a ſyllogiſm, becauſe

† The nature of the Epichirem is differently underſtood by different authors. Here Quintillian almoſt confounds it with the ſyllogiſm. Of both there are three parts: the major propoſition, or intention; the minor propoſition, or aſſumption; the concluſion, or connexion. In both, theſe parts are often tranſpoſed by the orator, and placed in an inverſe order.—The example is taken from the Lib. de Invent. i. n. 57, 73. where Cicero demonſtrates at large that there are five parts of this ſort of argument.

a ſyllogiſm

a * ſyllogiſm properly ſo called, has a concluſion and propoſition, and effects in all its parts what it propoſes; but the Enthymem, inſtead of expreſſing, makes its propoſition to be only underſtood. A ſyllogiſm may be thus formed: "Virtue is the only good: for that muſt be the only good, which no one can make an ill uſe of: but no one can make an ill uſe of virtue: therefore virtue is the only good." An Enthymem, formed of conſequents, may be in this manner: "Virtue is a good, which no one man can make an ill uſe of." And in the way of an argument drawn from contraries: "Money is not a good: for that cannot be a good which one may convert to a bad uſe; but one may make an ill uſe of money: therefore money is not a good." Or, "Can money be a a good, which one may make an ill uſe of?" . .

II. I now ſeem to have fulfilled the obligation I impoſed on myſelf of unfolding the moſt hidden myſteries of rhetoricians; but ſtill room is left for the exertions and accuracy of the orator's judgment. I am far from imagining that it is quite amiſs to uſe ſometimes ſyllogiſms in an oration; yet, would I not have it to conſiſt intirely of, or be crouded with them and other like arguments. In this manner it would more reſemble diſputations diſcuſſed in the way of dialogue or logical contention, than the pleadings which make the object of our work, between which, indeed, the difference is very conſiderable. The learned,

* A ſyllogiſm has always three propoſitions; an enthymem but two; for it commonly ſuppreſſes the intention, or major propoſition, and requires it to be underſtood, and not expreſſed by words.

who ſeek after truth in their reſearches, examine and ſcrutinize into all things with the niceſt and minuteſt preciſion, till they find them clear and demonſtrated; and it is on this account they claim to themſelves the art of diſcovering truth, and diſcerning it from falſehood, which art they divide into two parts, calling the one topical, the other critical. But orators are to calculate their ſpeeches for the judgment of others; they are often to ſpeak before perſons quite illiterate, or whoſe knowledge does not go beyond the information they get from them; ſo that unleſs they are induced by pleaſure, drawn by a ſweet violence, and ſometimes have their paſſions rouzed, all the truth and juſtice of a cauſe may eſcape them, and thus run the riſque of being loſt irrecoverably.

Eloquence chooſes to be rich and pompous, but this her deſire will never be gratified, if curtailed and circumſcribed by certain concluſions, all of them conſtantly forming a ſimilarity of cadence. In this manner forced to grovel, ſhe will become contemptible; rendered ſervile, ſhe will inſpire hatred; taught a ſtrain of monotony in a multiplicity of dry and tedious argumentation, ſhe will create loathing. Let her then be ſuffered to purſue her courſe, not through narrow paths, but in open fields; not as waters confined to flow in pipes, but as broad rivers gliding over ſpacious vallies; and if ſhe ſhould meet with an obſtruction to her paſſage, let her open one for herſelf. For what is more pitiful than to be tied down ſervilely to rules, like a child with tremulous hand tracing out the penciled letters of his copy; or, according to the

Greek proverb, anxiouſly careful of the firſt * coat his mother had put on him?

Will not the propoſition and concluſion from conſequents and contraries, admit of being expreſſed nobly, of being amplified, adorned, illuſtrated, and diverſified by a thouſand figures and turns, with a free and natural air, and not ſavouring of the reſtraint of art?

What orator ever ſpoke the language of dialectic? If we meet with ſome ſlight touches in Demoſthenes, whoſe ſtyle is ſo conciſe and cloſe, we muſt confeſs that they are but very few. Yet now many orators, and particularly the Greeks, (for in this they are a degree worſe than ourſelves), ſhackle their ſpeeches in the fetters of argumentation, and run them into ſuch inextricable mazes, that it is not poſſible to follow the thread of them, amidſt the abſurdity alſo of proving things that want no proofs, and drawing conſequences from the moſt clear reaſonings. Still they fancy that herein they copy the ancients; but if they ſhould be aſked which of them, they would be at a loſs to anſwer. I ſhall ſpeak of figures elſewhere.

III. And here ſhall only add, that I am not of the opinion of thoſe, who would have the ſtyle of arguments conceived in a plain, clear, and diſtinct manner, but neither copious nor florid. I grant that it ought indeed to be diſtinct and clear, and that in matters of little moment, it ought to baniſh all figurative expreſſions, and appear in the dreſs of familiar converſation; but if the mat-

* This proverb alludes to thoſe who labour under the prejudices of infancy and education, and cannot be beaten out of an opinion they once thought favourably of.

ter ſhould be of greater importance, I think no embelliſhment ought be refuſed it, ſo the import of the argument does not ſuffer by obſcurity and confuſion. . Beſides whatever is naturally rough and rugged, ſhould be made to aſſume an aſpect of ſmoother grace; and an argumentation that may afford juſt reaſons for making it ſuſpected, ſhould be ſeaſoned with ſome ingenious irony, ſo much the more, as the auditor's pleaſure is a great inducement to him to believe what he hears to be true: unleſs perhaps, we might think Cicero deſerving of cenſure, for having in the height of his argumentation expreſſed himſelf by a bold figure: "The laws are ſilent amidſt the tumult of arms; and the laws themſelves put a ſword into our hands, to rid ourſelves of our enemies," We ſhould, however, be modeſt and ſober in the uſe of ſuch figures, admitting them only as ornaments, but never ſo as to perplex the ſubject.

BOOK VI.

The INTRODUCTION.

Wherein Quintilian complains of his misfortunes, on account of the loſs of his wife and children.

THIS work I undertook, chiefly in complaiſance to you, Marcellus Victorius; next, with the view of benefiting well-diſpoſed youth; and laſtly, on account of the obligation of my * employment: yet, to declare candidly my ſentiments, I had an eye to the care of the object of my own fondneſs, I mean my ſon, whoſe happy genius deſerved likewiſe all the attention of a father; and conſidering this work as the beſt part of his inheritance, I hoped, that if the Fates broke the thread of my life, as it was juſt, and to be wiſhed for by me that it had happened, he ſhould ſtill have his father as a tutor and maſter. But whilſt day and night I laboured to execute my deſign, before mortality, which I had always preſent to my mind, had exerciſed its power over me; the bitterneſs of fortune, all of a ſudden, ſo overwhelmed me, that the fruits of my induſtry belonged to no one leſs than to myſelf: for I loſt that promiſing ſon, the

* The emperor Domitian had committed the tuition of his ſiſter's grand children to Quintilian.

only hopes of my old age; and this was the * ſecond wound that was ſtruck deep to afflict me, now a childleſs father!

What then ſhall I do? or, on what ſhall I any more employ the unhappy talents which the Gods ſeem to reprove? It was my misfortune to be borne down by a like ſtroke, when I ſet about writing the book, which I gave to the public, "On the Cauſes of the Corruption of Eloquence." Why then did not I caſt into the fire that accurſed work? Why did not I commit it, with that little unhappy learning I might have, to the flames of that funeral pile, kindled ſo untimely to conſume my bowels. I ſhould have gained more by doing ſo, than by haraſſing a-new with cares, the remainder of a life which muſt be neceſſarily criminal. For what good parent would pardon me, if I again engaged in ſtudy? Who would not deteſt my inſenſibility, if I made any other uſe of my voice, than to vent complaints againſt the injuſtice of the Gods, who have made me ſurvive all that was deareſt to me in the world? If I did not proclaim aloud, that there is no † providence in the regulation of human affairs? That there is none, it is viſible in regard to me, if not on

* He before had loſt the other of his ſons at the age of five; and afterwards his ſon Quintilian when he was ten years old.

† It muſt be a very impious exceſs in grief, to break out ſo far as to deny, or arraign providence; but this may be tolerable in a pagan, who conſidered death, eſpecially in early life, as a puniſhment; and by reputing himſelf and his ſons innocent, could not believe that juſt Gods could ſo puniſh the guiltleſs. This paſſage, however, may ſerve to ſhew, how far Chriſtian morality ſurpaſſes the Pagan: Quintilian reviles his Gods, and murmurs at the diſpenſation of providence; but the Chriſtian, from a due ſenſe of the majeſty and wiſdom of God, is all ſubmiſſion and reſignation to his divine will.

account

account of my own misfortunes, to which nothing can be imputed but that I live; at leaſt, on account of the undeſerved deſtiny of my ſons, whom cruel death has torn from me.

This loſs was preceded by that of their mother, who had not fully completed her nineteenth year, when ſhe ended her days: yet, happy in not having ſeen mowed down in their budding flower the children ſhe brought into the world. I confeſs, I was ſo afflicted, even by this ſingle misfortune, that nothing afterwards could make me happy. Adorned with all virtues deſireable in a woman, I could have bewailed her comfortleſs all my life; and, ſhould her youthful days be compared with mine, ſhe might very well be reckoned amongſt the wounds of my widowhood, had ſhe not left after her, children, who in a great degree, were a ſolace to me for her loſs. Beſides, ſhe looked upon it as a favour to die before me; cruel in this undoubtedly, but ſhe requeſted it from heaven, which eaſed her of many torments by ſhortening her days. The younger of my ſons followed ſoon after his mother; he was juſt turned of five years old when I loſt him; and by ſuſtaining that loſs, I imagined to have loſt the half of myſelf.

I am not oſtentatiouſly vain in magnifying my misfortunes, neither am I willing to augment the ſources of my tears; would to the gods I could leſſen them! But how can I conceal from myſelf the reaſons I had to cheriſh ſo lovely a child? What ſhall I ſay of the graces of his countenance, the ſweetneſs of his expreſſions, the ſparklings of his infant wit, the prognoſtics he already gave of placid temper; and if I dare ſay, which is ſcarce

credible at that age, of a ſoul enlarged with a noble elevation of ſpirit? Even, if he was not my ſon, I ſhould have found him infinitely amiable. But his love for me, more than for any one elſe, made me ſtill more ſenſible of the cruel darts of treacherous fortune. I know not what inclination made him prefer me to his nurſes, to his grandmother who took care of his education, and to all the perſons who are beſt at * gaining the affection of children. I therefore pardon the Deſtinies for robbing me of the mother, that good and incomparable woman, a few months before; for, if I muſt complain of my hard lot, ſhe muſt be felicitated on hers, as it reſcued her from the moſt ſenſible affliction a mother can ſuffer.

After theſe diſaſters, my ſon Quintilian remained to me, who was all my pleaſure, all my hopes! And indeed, he could be a ſufficient ſource of comfort. For, already entered upon his tenth year, it was not bloſſoms he ſhewed as his younger brother, but fruits, and well † formed fruits, whoſe harveſt could not fail. I ſwear by my misfortunes! by the doleful teſtimony of my conſcience! by the manes of my dear ſon, the ſacred authors of my tears! I ſwear that I never ſaw in any child, I ſay, not only ſo many fine diſpoſitions for the ſciences, and ſuch an inclination for ſtudy, (his maſters know it) but ſo much probity, ſo

* In the text, *ſollicitare*, in the ſenſe it is there taken, ſeems to be an improper Latin word for *curam gerere*, *blanditiis allicere*; but many ſuch expreſſions are met with in Quintilian.

† *Deformati fructus* makes a beautiful metaphor, and may be called ſuch as appear *formed* when the bloſſom falls; or as commonly ſaid, *knit*.

much

much filial reſpect, ſo much humanity, ſo much candour, and ſincerity.

Certainly a peal of thunder, like this, ought to make us juſtly apprehenſive of conſequences, which have been obſerved in all times, that what ripens ſo ſoon is not of any continuance; and that there reigns a ſecret envy jealous of our happineſs, which pleaſes itſelf in nipping the bud of our hopes, to hinder, perhaps, men from raiſing themſelves too much above their preſcribed limits. If ever child portended great matters, it was he. He had even all fortuitous advantages, a charming tone of voice, a ſweet countenance, a ſurpriſing facility at pronouncing properly * both languages, as if he had been equally born for both. Theſe qualifications were only preparatives for what was to enſue. But I lay a greater ſtreſs upon his virtues, upon his equanimity and conſtancy, upon the ſtrength with which he bore up againſt fears and pain. How were his phyſicians aſtoniſhed to ſee him ſupport an eight months illneſs! In his extremity he comforted me himſelf, and deſired me not to weep! If his mind became delirious at times, the ſubject that employed him was talking of his ſtudies!

O vain and deceitful hopes! O my dear ſon! Could I then have ſeen your eyes ſhut for ever to the light, and your ſoul departing from me? Could I receive your laſt breath, hold in my arms your motionleſs, lifeleſs, and frozen body, and not die of grief with you? Yes, I deſerve the tortures I endure, and the melancholy reflections to which I devote myſelf. O my dear ſon! You,

* The Greek and Latin.

whom

whom a conſul juſt adopted; you, whom a prætor, your maternal uncle, had already deſigned for his ſon-in-law; you, who was to ſucceed your father in all his honours, and ſhare them with him in his life-time; you, in whom every one thought to ſee revived the eloquence of the beſt ages; ſhall I never ſee you more, and ſhall I, a childleſs father, be condemned to live only to ſuffer? At leaſt, you will have your revenge; not, but it is with regret that I endure the light, but to enjoy it is perhaps a crime that offends you; and if my life be my crime, it ſhall be alſo my puniſhment. For it is to no purpoſe that we impute our ills to fortune; no perſon is long unhappy, unleſs through his own fault. But we live, and as we live, we muſt ſeek out for ſome occupation; and we may believe the learned, who have looked upon letters, as the only ſolace in adverſity.

If the grief which weighs me down at preſent, ſhould be mitigated a little by time, and admit of other thoughts, I believe my aſking pardon for the delay of this work, would not be unjuſt: for who could be ſurprized at ſeeing it laid aſide for a time, when it would not be ſurpriſing to ſee it abſolutely diſcontinued? But, ſhould the following books ſhew ſomewhat of the trouble I am in, let my adverſe fortune, rather than want of ſkill, be blamed, which ought, if not to extinguiſh, at leaſt to weaken, the little genius I have. Let us, however, bear up againſt it, and, the more firmly, that if it be difficult to ſupport it now, it will be eaſier for us hereafter to deſpiſe it. I can brave it; it has brought my vexations to their height, and in this even I find a doleful, but juſt ſecurity.

It

It ſeems therefore, that the public ſhould now be more obliged to me for this work, as I am not influenced by any particular intereſt, and, as the advantage which is to accrue from it, if any, is intirely for another. For ſuch is my unhappineſs, that my patrimony and my writings, the fruits of a long and painful life, will all devolve, and be left to ſtrangers.

CHAP. I.

Of the Preroration.

Its uſe is for recapitulating the matter of the diſcourſe, and for moving the paſſions. I. *The recapitulation may be performed briefly, and diverſified with figures.—This ſeemed to the Athenians and philoſophers, the only kind of admiſſible epilogue.—It may alſo be employed in other parts.* II. *Moving the paſſions,* 1. *on the part of the plaintiff. By exciting jealouſy, hatred, indignation.—By making what he alledges to appear exceeding heinous, or very wretched and piteous.—He ought alſo to prevent the judge from entertaining any ſentiment of compaſſion the defendant may endeavour to inſpire him with.* 2. *On the part of the defendant. Whatever is cuſtomary in favour of one that is in danger.—Pity is inculcated chiefly from the ſufferings of the defendant, either actual, or what may avail him, if condemned.—Then the proſopopœia is of ſingular ſervice.—Exciting compaſſion ſhould never be long.* III. *Pity may be moved, not only by words, but by certain actions.—It then is of conſequence how the party*

correſponds

correſponds with the Orator's intentions, in regard to the purpoſe of being introduced. IV. *No one, without the greateſt powers of eloquence, ſhould attempt to draw tears from his audience.—How moving compaſſion ſhould be left off.—More gentle ſorts of epilogues.—The paſſions may be moved occaſionally in all parts of the diſcourſe.*

THE * peroration, called by ſome the completion, by others the concluſion, of a diſcourſe, is of two ſorts, and regards either the matters diſcuſſed in it, or the moving of the paſſions.

I. The repetition of the matter, and the collecting it together, which is called by the Greeks † recapitulation, and by ſome of the Latins, enumeration, ſerves for refreſhing the judge's memory, for placing the whole cauſe in one direct point of view, and for enforcing in a body many proofs, which ſeparate made leſs impreſſion. It ſhould ſeem that this repetition ought to be very ſhort, and the Greek term ſufficiently denotes, that we ought to run over only the principal heads; for if we are long in doing it, it will not be an enumeration we make, but as it were, a ſecond diſcourſe. The particulars, however, which may ſeem to require this enumeration, ought to be pronounced with ſome emphatical weight, and enlivened with appoſite thoughts, and diverſified by figures; otherwiſe nothing will be ſo diſagreeable as a mere curſory repetition, which ſeems to ſhew a diffidence of the judge's memory. A multiplicity of figurative turns are calculated for this pur-

* Concerning the peroration, ſee Cicero, l. i. de Inv. n. 98. 109. l. ii. de Orat. n. 185. 216. and in Orat. n. 128. 135.

† ἀνακεφαλαίωσις.

poſe, and Cicero will furniſh us with examples of them, as when addreſſing * Verres, he ſays, "Even if your father was to be judge in the caſe, what ſhould he ſay on producing proof of theſe allegations?" and then he enumerates them. Or, when alſo againſt the † ſame, by invoking the gods to bear witneſs, he makes an enumeration of all their temples which had been pillaged by the prætor. . .

This ſeems to be the only ſort of preroration, admiſſible by moſt of the Athenians, and by almoſt all the philoſophers, who left any thing written on the art of Oratory. The Athenians, I ſuppoſe, were of that opinion, becauſe it was cuſtomary at Athens to ſilence, by the public crier, any Orator, who ſhould attempt to move the paſſions. The philoſophers I am leſs ſurpriſed at, every perturbation of the mind being conſidered by them as vicious; neither did it ſeem to them compatible with ſound morality, to divert the judge from truth; nor agreeable to the idea of an honeſt man to have recourſe to any ſiniſter ſtratagem. Yet moving the paſſions will be acknowledged neceſſary, when truth and juſtice cannot be otherwiſe obtained, and when a public good is concerned in the deciſion of the matter.

All agree, that a recapitulation may be alſo employed to advantage in other parts of the pleading, if the cauſe is complicated, and requires many arguments to defend it; and on the other hand, it will admit of no doubt, that many cauſes are ſo ſhort and ſimple, as to have no occaſion in any part of them for a recapitulation. This part

* Verr. vii. 135. † Ibid 183, &c.

of

of the peroration is equally common to the accuſer, and to the defendant's advocate.

II. They likewiſe uſe nearly the ſame paſſions, but the accuſer more ſeldom and ſparingly; and the defendant oftener and with greater emotions: for it is the buſineſs of the former to ſtir up averſion, indignation, and other ſimilar paſſions in the minds of the judges; and of the latter to bend their hearts to compaſſion. Yet, the accuſer is ſometimes not without tears, in deploring the diſtreſs of thoſe in whoſe behalf he ſues for ſatisfaction; and the defendant ſometimes complains with great vehemence of the perſecution raiſed againſt him by the calumnies and conſpiracy of his enemies. It would be therefore beſt to diſtinguiſh and diſcuſs ſeparately the different paſſions excited on the parts of the plaintiff and defendant, which are moſt commonly, as I ſaid, very like what takes place in the exordium, but are treated in a freer and fuller manner in the peroration.

The favour of the judges towards us, is more ſparingly ſued for in the beginning, it being then ſufficient to find admittance, as the whole diſcourſe remains for making further impreſſions. But in the peroration, we muſt ſtrive to make the judge aſſume that diſpoſition of mind it would be neceſſary for us he ſhould retain, when he comes to paſs judgment. The peroration being finiſhed, we can ſay no more, neither is any thing reſerved for another place. It is therefore common to the contending parties, to conciliate to themſelves the judge; to make him unfavourable to the adverſary; to raiſe and allay occaſionally his paſſions: and

and both may find their account in this ſhort precept, which is, to keep in view the whole ſtreſs of the cauſe, and on ſeeing what it contains either favourable, odious, deplorable, or heinous, in reality or probably ſo, to ſay thoſe things, which would make the greateſt impreſſion on themſelves, if they ſat as judges. But it is better to treat of theſe duties apart.

1. I have already mentioned in the precepts for the exordium, how the accuſer might conciliate to him the judges. Yet ſome things, which it was enough to point out there, ſhould be wrought to a fulneſs in the peroration; eſpecially, if the pleading be againſt one univerſally hated, and a common diſturber, and if the condemnation of the culprit ſhould as much redound to the honour of the judges, as his acquittal to their ſhame. Thus Calvus ſpoke admirably againſt Vatinius: "Ye know, good Sirs, that Vatinius is guilty, and no one is ignorant that ye are ſenſible of it." Cicero, the ſame way, acquaints the judges, that if any thing is capable of re-eſtabliſhing the reputation of their judgments, it muſt be the condemnation of * Verres. If it be proper to intimidate the judges, as Cicero likewiſe does, againſt † Verres, this is done with better effect in the peroration than the exordium. I have already explained my ſentiments on this point.

In fine, when it is requiſite to excite envy, hatred, indignation, there is a greater ſcope for executing this to advantage in the peroration than

* Verr. ii. n. 43, &c.
† Verr. iii. n. 22. and Verr. vii. n. 172. 182.

elſewhere.

elſewhere. The intereſt of the accuſed may naturally excite the judge's envy; the infamy of his crimes may draw upon him his hatred; the little reſpect he ſhews him may rouze his indignation. If he is ſtubborn, haughty, preſumptuous, let him be painted in all the glaring colours that aggravate ſuch vicious temper, and theſe manifeſted not only from his words and deeds, but face, air, and dreſs. I remember on my firſt coming to the bar a ſhrewd remark of the accuſer of Coſſutianus Capito. He pleaded in Greek before the Emperor, but the meaning of his words was: "Might * it not be ſaid that this man diſdains even to reſpect Cæſar."

However, the only way for the accuſer to affect the judges is, to repreſent his charge in ſuch a light, as may appear to them the moſt atrocious, or the moſt deplorable thing in nature.

The atrociouſneſs of a crime is aggravated from its circumſtances: as, "What has been done, by whom, againſt whom, with what intention, at what time, in what place, and after what manner?" all which afford an unexhauſted fund for obſervation. If the complaint is concerning a perſon ſtruck at or beaten: we ſhould firſt ſpeak of the aſſault, and next aggravate the crime from the circumſtance of the injured party being an old man, or a boy, or a magiſtrate, or one remarkable for his integrity, or for having deſerved well of the commonwealth. Alſo, if he has been ſtruck at by ſome vile and contemptible fellow; or on the contrary, by an overbearing powerful man;

* Erubeſcit Cæſarem timere.

or

or by one, from whom that kind of treatment was little expected. Again, if this happened on ſome ſolemn feſtival; or when ſome court of juſtice was ſitting on the trial of a like offence; or in the time of a public calamity; or in a theatre, or temple, or the aſſembly of the people. There may ſtill be other aggravating circumſtances, as if it was neither by miſtake, nor by anger, from any immediate cauſe of quarrel; but rather in conſequence of ſome old grudge, becauſe the plaintiff had taken the part of his father, or friends; or was a candidate with the aggreſſor for a place or poſt of honour in the republic; and here too it may be conſidered, if he ſeemed to have an intention of proceeding farther in his villainy if he could. The manner likewiſe contributes not a little to the atrociouſneſs of the act, as if the blow was great, or given on purpoſe to affront. It was ſo Demoſthenes irritated the judges againſt Midias, by repreſenting the indignity of the affront, a ſlap on the cheek, which he had received from him, and the ſcorn with which his inſolence had accompanied it. If the complaint ſhould be on the killing of a man, it will be neceſſary to relate by what means he came by his death, and the circumſtances of it: whether he died by ſword, by fire, or by poiſon; by one, or more wounds; whether he expired inſtantly, or was ſuffered to expire in great agonies.

The accuſer alſo has frequently recourſe to compaſſion, either by ſetting forth the diſtreſſed ſtate of him, for whom he hopes to find redreſs; or by deſcribing the deſolation and ruin his children and relations are likely to be thereby involved in.

He may move too the judges by holding out to them a proſpect of what may happen hereafter, if injuries and violence remain unpuniſhed, the conſequences of which will be, that either his party muſt abandon his dwelling and the care of his effects, or muſt reſolve to endure patiently all the injuſtice his enemy may ſtrive to do him.

But the accuſer more frequently will endeavour to caution the judge againſt the pity the defendant intends to inſpire him with; and he will ſpirit him up in as great a degree as he can, to judge according to his conſcience. Here too will be the place to anticipate whatever the adverſary may be thought to do or ſay; for it makes the judges more circumſpect in regard to the ſacredneſs of their oath; and by it the anſwer to the pleading may loſe its expected indulgence, together with the charms of novelty in all the particulars the accuſer has already cleared up. . The judges beſides may be informed of the anſwer they ſhould make to thoſe who might threaten to have their ſentence reverſed; and this is another kind of recapitulation.

2. The accuſed is commendable by his dignity, his brave exploits, the wounds he received in war, the nobility of his extraction, and the merits of his anceſtors. Cicero and Aſinius ſeem to have exerted themſelves in a particular manner on theſe two laſt conſiderations, when they defended, the one Scaurus the father, the other Scaurus the ſon. The cauſe of the danger incurred by the accuſed, is another good recommendation in his favour, as if he ſhould ſeem to have created enemies to himſelf by his engaging in a laudable act. On this account an encomium may paſs on his good-

goodneſs of heart, and on his humane and merciful diſpoſition. For it is reaſonable to expect from a judge the ſentiments one has entertained for another. This part alſo may be conſidered as intereſting the public good, the glory of the judges, the inſtruction and memory of poſterity.

But nothing avails ſo much as thoſe impreſſions of pity, which not only maſter the judge's inclinations, but alſo force him to confeſs the perturbations of his mind by tears. Theſe take place, either from what the defendant has ſuffered, or from what he then actually ſuffers, or from what he is likely to ſuffer if condemned; and they are redoubled from a comparative view of his preſent eminent, and future wretched fortune. The circumſtances of age, ſex, and the dear pledges of children, parents, and relations, throw ſome weight into the ſcale. All which are variouſly treated. Sometimes the advocate makes himſelf a party; as Cicero for Milo: "Unfortunate man that I am! yes, Milo, you could by means of thoſe who are this day your judges, recall me from baniſhment into my country; and muſt it be my hard fate not to be able by theſe ſame judges to keep you in it?" This proves a very good reſource, eſpecially if, as was then the caſe, ſupplications do not ſuit the defendant. For, who could endure that Milo, to avert the danger that threatened his life, ſhould demean himſelf to humble intreaties, and at the very time of his having confeſſed he had killed a man of the firſt quality, and maintained that he had killed him juſtly. Cicero therefore, inhances this his magnanimity to his great advantage, and

takes upon himſelf the character of the ſuppliant, which he could not give him.

In theſe places the proſopopœia is of ſingular ſervice, that is, ſpeeches put into the mouth of others, by which the * accuſer and advocate may occaſionally introduce each other ſpeaking. Mute and inanimate things may alſo be made to affect; whether we ourſelves ſpeak to them, or lend them ſpeech. The † parties concerned are likewiſe very proper objects for affecting minds; for the judge does not ſeem to himſelf to hear ſo much the Orator weeping over others misfortunes, as he imagines his ears are ſmitten with the feelings and voice of the diſtreſſed. Even their dumb appearance might be a ſufficiently moving language to draw tears; and as their wretchedneſs would appear in lively colours, if they were to ſpeak it themſelves, ſo proportionately it muſt be thought to have a powerful effect, when expreſſed, as it were, from their own mouth. Juſt ſo, in theatrical repreſentations, the ſame voice, and the ſame emphatical pronounciation, become very intereſting under the ‡ maſks uſed for perſonating different characters. In a like view, Cicero, though he gives not the voice of a ſuppliant to Milo, but on the contrary, commends his unſhaken con-

* See Cicer. Verr. vii. n. 1. 4. and pro Mur. n. 21.

† The perſons, whoſe cauſe is pleaded, may be made proper objects for moving the paſſions, when the Orator gives them ſpeech, or introduces them ſpeaking.

‡ It was cuſtomary with the ancient comedians to wear maſks, in order, as they thought, to repreſent more to the life, the different characters they were to aſſume; and often the ſame actor for a different ſcene, would ſhift his maſk and dreſs, to play the part of a valet, a chambermaid, a huſband, old man, &c.

ſtancy; yet does he adapt to him words and complaints not unworthy of a man of ſpirit: "O my labours, to no purpoſe undertaken! deceitful hopes! uſeleſs projects!"

However, this exciting of pity ſhould not be ever long, it being ſaid, not without reaſon, that "nothing drys up ſo ſoon as tears." If time can mitigate the pangs of real grief, of courſe the counterfeit grief aſſumed in ſpeaking, muſt ſooner vaniſh; in which if we dally, the auditor finding himſelf overcharged with lamentable ideas, ſtrives to reſume his tranquillity; and thus ridding himſelf of the emotion that had overpowered him, ſoon returns to the exerciſe of cool reaſon. We muſt therefore never ſuffer this buſineſs to run languid, and when we have wound up the paſſions to their greateſt height, we muſt inſtantly drop the ſubject, and not expect that any one will long bewail another's miſhap. Therefore, as in other parts the diſcourſe ſhould be well ſupported, and rather riſe, ſo here in a particular manner it ſhould grow to its full vigour; becauſe that which makes no addition to what has been already ſaid, ſeems to diminiſh it; and a paſſion ſoon evaporates, that once begins to ſubſide.

III. Tears are not only excited by words, but by doing certain things, whence it was not unuſual to produce the very parties who were in danger of condemnation, in a garb ſuitable to their diſtreſs, together with their children and relations. Accuſers too, make it a cuſtom to ſhew a bloody ſword, and fractured bones picked out of wounds, and garments drenched in blood. Sometimes likewiſe they unbind wounds to ſhew their con-

dition, and ſtrip bodies naked to ſhew the ſtripes they have received. Theſe acts are commonly of mighty efficacy, as fully exhibiting to the minds of men the reality of the tranſaction. Thus it was that Cæſar's robe, expoſed all over bloody in the Forum, drove the people of Rome into an exceſs of madneſs. It was well known that he was aſſaſſinated; his body alſo lay in ſtate in order to his funeral; yet that garment ſtill dropping with blood, was ſo pictureſque of the horrid murder, that it ſeemed to them to have been perpetrated that very inſtant.

But among theſe obſervations, I cannot ſay that I commend a fact I have read of, and ſometimes ſeen myſelf, which was the placing over the ſtatue of * Jupiter, a piece of painting expreſſive of the tranſaction that was to inſpire the judges with horror. I muſt think any orator quite ſenſible of his inſufficiency to imagine, that ſuch a cold and mute painting would be more affecting than his words.

Still am I ſatisfied, that a garb of mourning, and a dejected appearance, both in the accuſed and his friends and relations, have been of ſervice; and much more the humble prayers made in their favour. Wherefore, the imploring of the judges mercy through the deareſt pledges of the accuſed, if he has any, as children, wife, kinsfolks, will be uſeful; as will alſo, calling the Gods to witneſs, which is commonly taken for the teſtimony of a good conſcience. I find in like

* In the Roman Forum, a ſtatue of Jupiter was erected, that from the reverential awe inſpired by religion, the judges might be warned to decide with juſtice and integrity of heart. The intention was good, as declaring that God himſelf was witneſs to their judgments.

manner

manner no fault with a ſuppliant poſture, as throwing one's ſelf at the feet of the judges and embracing their knees, unleſs the character and condition of the accuſed be againſt a humiliation of the kind: for ſome things muſt be defended with the ſame ſpirit they have been tranſacted; but the exerciſe of authority ought to be ſo moderated, as not to degenerate into a hateful ſecurity.

Cicero has furniſhed us with a remarkable inſtance of ſaving a criminal by the conſideration of his character and dignity. He undertook the defence of L. Murena, but perceiving there was a powerful party againſt him, he ſet aſide anſwering the accuſation, and perſuaded the aſſembly, that there was a preſſing neceſſity in the bad poſture of public affairs, to make the conſuls elect, of which Murena was one, enter upon their conſulſhip the day before the calends of January. But as now the wiſdom of the emperor is alone ſufficient for the government of the ſtate, no room is left for this kind of defence, the event of ſuch a judgment not being able in any reſpect to prejudice the public wellfare.

Hitherto I have only ſpoken of criminal cauſes, of which the circumſtances ſeem beſt calculated for moving the paſſions; but there are private cauſes which may likewiſe be ſuſceptible of the two kinds of peroration, that which conſiſts in an enumeration of proofs, and that which is for exciting pity, if the fortune or reputation of the party is likely to be injured. But to repreſent theſe tragic ſcenes in trivial conteſts, and cauſes of little conſequence, would be a ſimilar caſe to the fitting on a child the maſk and buſkins of Hercules.

It will not be amiſs to hint, that the ſucceſs of the peroration depends much on the manner of the parties conforming themſelves to the emotions and action of their advocate. Stupidity, ruſticity, and a want of ſenſibility and attention, throw, as it is ſaid, cold water on a cauſe, againſt which the orator cannot be too well provided. I have indeed often ſeen them acting quite contrary to their advocate's inſtructions. Not the leaſt ſhew of concern could be obſerved in their countenance. They laughed fooliſhly and without reaſon, and made others laugh by ſome ridiculous geſticulation or grimace, eſpecially when the heat of a debate exhibited any thing akin to theatrical action.

There are accidents which the orator himſelf ought to forſee. In a pleading on account of a little girl, in order to have her acknowledged as ſiſter by the adverſary; the girl's advocate, about the time he was to ſpeak the peroration, handed her over to the ſeat of her pretended brother, that hanging about his neck in tender embraces, ſhe ſo might move him and the judges to pity her forlorn ſtate; but the brother previouſly apprized of the deſign, had ſlipt privately away, and the poor advocate, though otherwiſe a good ſpeaker, was ſo ſurprized at his unexpected diſappearance, that he had not a word to ſay, and covered with ſhame, was obliged to take back with him his little girl.

Another, pleading for a young woman, whoſe huſband had been killed, thought he ſhould effect mighty matters by having a picture produced of this ſcene of cruelty. But the picture proved a cauſe of infinite laughter; for they who had received

ceived directions for ſhewing it, not knowing what a peroration meant, as often as the orator looked towards them, failed not to expoſe it in full view; ſo that at length being gazed at by every one, the ſo much lamented huſband was found to be an ugly old man, which made the pleading loſe all the merit it might otherwiſe have had.

It is well known what happened to Glicon, who was ſurnamed Spiridion. Thinking to ſoften the judges by the tears of a child, whom he made a party in the cauſe, he placed near the lad one to warn him when he was to cry; and Glicon directing ſuddenly the diſcourſe to him, and aſking why he wept, the child anſwered ingeniouſly that his maſter had pinched him. But nothing ſhews ſo much the riſque of perorations on theſe occaſions, as the fable recited by Cicero againſt the Cepaſii, in his oration for Cluentius.

All theſe things, however, become in a great degree excuſable, when the orator has preſence of mind enough to alter the intended courſe of his pleading. But they, who are ſlaves to what they have written, are either ſtruck mute by theſe miſchances, or commonly ſay what is abſolutely falſe. Hence theſe impertinencies: "Behold the unfortunate man in humble ſupplication, throwing his hands about and embracing your knees!" "Have compaſſion on the father, who embraces perhaps for the laſt time his children." And, "Yes, ſuch a one has given me a very ſeaſonable hint;" though nothing of all that is ſaid has been done. We bring theſe faults from ſchools, where we are at liberty to frame and ſuppoſe whatever we pleaſe; but the truth required at the bar, makes no allowance

lowance for them. Caſſius Severus is juſtly commended for his repartee to a young orator, who having aſked, why he looked ſo ſternly at him? "Who I, ſaid Caſſius; I am ſure I did not? But you ſaid ſo, becauſe you have it down on your paper. Well then, now I will;" and at the ſame time gave him a moſt terrible look.

IV. I will now give an advice of ſome importance, which is, that none attempt drawing of tears unleſs endowed with an extraordinary force of genius. For, as no ſentiment is more powerful than this, when it once maſters the heart, ſo if it effects nothing, it becomes faint and languid. An orator of ſlender abilities will therefore acquit himſelf better, by ſuffering the judges of themſelves to feel the compaſſion his ſubject may naturally inſpire them with; and this the rather, as the appearance, and voice, and ſtudied air of the accuſed's countenance, are often ridiculed by ſuch as are not affected by them. Let therefore the orator make an exact eſtimate of his powers, and be ſenſible of the burden he undertakes. Here there is no medium; he muſt either make the auditory weep, or expect to be laughed at.

The peroration is not intirely calculated for exciting pity; it ſhould alſo endeavour to diſſipate that ſentiment, either by a rational remonſtrance, in order to calm the minds of the judges, and bring them back to the point of juſtice; or to recreate their fancies with ſome witty raillery: ſuch was the remark, "Give bread to that child, that he may not cry:" or that other of one, who pleading for a very corpulent man, ſaid: "What more muſt I do for you? For I cannot indeed carry you

you on my ſhoulders," becauſe the adverſary was a child, whom his advocate had carried into court.

But theſe pleaſantries ought not to ſavour of the buffoon; for which reaſon I do not approve of the behaviour of an orator, who though one of the greateſt of his time, threw a parcel of play-things to be ſcrambled for by ſome poor children, which had been brought in at the time of the peroration, to move the judges in favour of their unhappy father. This their ignorance, however, of the threatening danger ſhould ſeem very deſerving of compaſſion. I ſhall cite another inſtance of buffoonery in an advocate, who, on ſeeing a bloody ſword produced by the accuſer, as a proof of the murder committed, ſuddenly, as terrified, ſtarted from his ſeat, and hiding partly his head, when he looked back at him from among the croud, aſked if he was gone with his ſword. He cauſed the audience to laugh, it is true; but made himſelf ridiculous. Nevertheleſs theſe tragic ſcenes for inſpiring horror and pity, may all be made to vaniſh by the plauſibility of a cool and diſpaſſionate reply; ſome good examples of which we meet with in Cicero, as where for Rabirius he fiercely attacks Labienus for producing the effigy of Saturninus; and pleading for Varenus, rallies with great humour a young man, whoſe wound was often unbound, and expoſed to view, during the trial.

There are perorations of a much milder nature in anſwer to an adverſary, when perhaps his perſon is ſuch that reſpect is due to it; or when we friendly adviſe any thing for the ſake of peace and har-

harmony. This ſort of peroration was admirably well handled by Paſſienus, who on pleading the cauſe of his wife Domitia about ſome money tranſaction againſt her brother Ænobarbus, when he had made many obſervations on the ties of kindred that linked them to each other, and the plentiful fortune both were poſſeſſed of, added: "Nothing is leſs wanting to you, than the object of your contention."

But it ſhould not be imagined, as ſome have thought, that all this exciting of the paſſions, all theſe ſentimental emotions, ought to be confined to the exordium and peroration. In them, indeed, they are moſt frequent, yet other parts admit them likewiſe, but in a ſhorter compaſs, as their greateſt ſtreſs ſhould be reſerved for the end. For here, if any where, the orator may be allowed to open all the ſluices of eloquence. If we have executed all other parts to advantage, here we take poſſeſſion of the minds of the judges, and having eſcaped all rocks and ſhelves, may expand all our ſails for being ſwelled with a favourable gale; and as amplification makes a great part of the peroration, we then may raiſe and embelliſh our ſtyle with the choiceſt expreſſions and brighteſt thoughts. And indeed, the concluſion of a ſpeech ſhould bear ſome reſemblance to that of tragedy and comedy, where the actor courts the ſpectator's applauſe. In other parts, the paſſions may be touched upon, as they naturally riſe out of the ſubject, and no horrid or doleful thing ſhould be expoſed without accompanying it with a ſuitable ſentiment. When the debate may be on the quality of a thing, it is properly ſubjoined

to

to the proofs of each occurring matter. When we plead a cauſe complicated with a variety of circumſtances, then it will be neceſſary to uſe many, as it were, perorations, as Cicero does againſt * Verres, lending his tears occaſionally to Philodamus, to the maſters of ſhips, to the crucified Roman citizens, and to many others.

CHAP. II.

Of the Paſſions.

I. *The chief powers of eloquence lie in the moving of the paſſions.* II. *What the pathos, and what the ethos is.* III. *The orator, to move the paſſions in others, muſt be firſt moved himſelf. How this may be accompliſhed.*

I. THE peroration being the ſummary, if not the main point of a judicial cauſe, and conſiſting chiefly of paſſions, of which, though I was under a neceſſity of ſaying ſomething; yet, neither could, nor ought I, comprehend under one only ſpecies all that might be ſaid on ſo extenſive a ſubject. The moſt difficult buſineſs remains therefore for diſcuſſion, and withal the moſt proper, for giving the cauſes we undertake a favourable iſſue, by pointing out the way of managing the minds of the judges, or rather by turning and transforming them into whatever ſhape we pleaſe. I hinted ſomething on this head in the foregoing chapter, but the little I ſaid, ſerved more to make known what ought to be

* Verr. iii. 76, &c. Verr. vii. 105, &c. 116, &c.

done

done than the manner of doing it. Now I ſhall reſume the whole matter as high up as need be.

I obſerved that there was room for paſſions in all parts of the cauſe; and, as their nature is not ſo ſimple as to require only to be curſorily treated, it may be well imagined that nothing is ſo important in the whole art of oratory. A ſlender genius, aided with learning or experience, may be ſufficient to manage other parts to ſome advantage; inſtances having occurred of a good many who were expert at making the moſt of proofs. Theſe indeed, I do not hold in any contemptible light; yet, I ever reputed them as fit only for inſtructing the judges, and maſters and models proper enough for thoſe who take no concern beyond paſſing for good ſpeakers. But to poſſeſs the ſecret of forcibly carrying away the judges, of giving them as we pleaſe, a certain diſpoſition of mind, of inflaming them with anger, of ſoftening them into pity, ſo as to draw tears from them; all this is rare, though by it the orator is moſt conſpicuous, and by it eloquence gains an empire over hearts. The cauſe itſelf is naturally productive of arguments, and the better ſhare generally falls to the lot of the more rightful ſide of the queſtion; ſo that whatever party conquers by dint of argument, may think that ſo far they did not want an advocate. But when violence is to be offered to the minds of the judges; when they are to be turned from cooly reflecting on the truth that makes againſt us, then is the true exerciſe of the orator's powers; and this is what the contending parties cannot inform us of, neither is it contained in the

ſtate

ſtate of their caſes. Proofs, it is true, make the judges preſume that our cauſe is the better, but paſſions make them wiſh it ſuch; and as they wiſh it, they are not far from believing it to be ſo. For, ſo ſoon as they begin to imbibe from us our paſſions of anger, favour, hatred, or pity, they make the affair their own. And as lovers cannot be competent judges of beauty, becauſe love blinds them; ſo here, a judge attentive to the tumultuous working of a paſſion, loſes ſight of the way he ſhould proceed by, to inquire after the truth: the impetuous torrent ſweeps him away, and he is borne down its current. The efficacy of arguments and witneſſes is not known till judgment has paſſed; but the judge, who has been affected by the orator, ſtill ſitting and hearing, declares his real ſentiments. Is not his ſentence already pronounced, who is ſeen to melt into tears? Such then is the force of moving the paſſions, to which the orator ought to direct all his efforts, this being his principal work and labour, as without it all other particulars are naked, hungry, weak, unpleaſing. So true it is, that paſſions are the very life and ſoul of a pleading.

II. Now, according to what the ancients have written on this ſubject, there are two ſorts of paſſions, one called by the Greeks πάθος, which we may render affection, or paſſion: the other ἦθος, we cannot expreſs exactly by any term in our language, but may call it manners, and hence that part of philoſophy, denominated ethics, or moral. However, upon more mature conſideration it ſhould ſeem, that we are not to underſtand ſo much manners in general, as a certain propriety of manners.

ners. For the word Manners ſignifies generally all the habitudes of the mind; on which account more cautious authors, choſe rather to explain theſe terms in regard to the will, than ſhew themſelves nice in barely interpreting names. Placing therefore a diſtinguiſhing mark on the pathos and the ethos, they ſay that the firſt is lively and animated; the ſecond mild and compoſed: the one vehement and full of agitation; the other eaſy and placid: The former made for commanding; the latter for perſuading: This for troubling and diſturbing minds, that for ſoftening and gaining them. . .

Still it ſeems neceſſary to be more particular in the explanation of the term ethos, as not appearing of itſelf ſufficiently ſignificative. What therefore we ought to underſtand by it, and what we require of thoſe, whoſe buſineſs it is to * ſhew its purport and tendency, is in general a character of goodneſs, not only mild and pleaſing, but humane, inſinuating, amiable, and charming to the hearer; and its greateſt perfection will be, if all, as influenced by it, ſhall ſeem to flow from the nature of things and perſons, that ſo the morals of the orator may ſhine forth from his diſcourſe, and be known in their genuine colours. This character of goodneſs ſhould undoubtedly be invariably maintained by thoſe, whom a mutual tye ought to bind in ſtrict union, whenever it may

* This may be underſtood concerning thoſe orators, who endeavour to inſtruct or give information to the judges; for which purpoſe the milder paſſions have a better effect; or in general, it may regard all teachers, eſpecially thoſe who have the care of the education of youth, to whom they ought to behave with all imaginable lenity and ſweetneſs of temper.

happen

happen that they ſuffer any thing from each other, or pardon, or make ſatisfaction, or admoniſh, or reprimand, but far from betraying any real anger or hatred. A father chides his ſon, a tutor his pupil, a huſband his wife; but their ways are different. They all, however, ſhew a great tenderneſs for thoſe who have diſobliged them; neither do they otherwiſe hate them, but becauſe they have not made a due return to their affection. But the mode of reſentment is quite different, when an old man is inſulted by a young man, a ſuperior by an inferior. In the firſt caſe, ſome ſlight emotions only break out; in the ſecond, the injured party is cut to the heart with ſore vexation. . .

Hence alſo a ſentiment very powerful for exciting hatred may ariſe, when an act of ſubmiſſion to our adverſaries, is underſtood as a ſilent reproach of their inſolence. Our willingneſs to yield muſt indeed ſhew them to be inſupportable and troubleſome; and it commonly happens that they who have an itch for railing, and are too free and hot in their invectives, do not imagine that the jealouſy they create is of far greater prejudice to them than the malice of their ſpeech; for it is this envy that makes our adverſaries odious, as injurious treatment by words would ourſelves. . .

In ſhort, this notion of the ethos preſuppoſes alſo that the orator himſelf ought to be a good and humane man. The virtues, which he commends, if he poſſibly can, in his party, he ſhould poſſeſs, or be ſuppoſed to poſſeſs himſelf. In this manner will he be of ſingular advantage to the cauſe he undertakes, the good opinion he has created of himſelf, being a prejudice in its favour. For if whilſt

he ſpeaks, he appears to be a bad man, he muſt of conſequence plead ill, becauſe what he ſays will be thought repugnant to juſtice, in the idea of which the ethos is likewiſe included. The ſtyle and manner ſuitable on theſe occaſions, ought therefore to be ſweet and inſinuating, never hot and imperious, never hazarded in too elevated a ſtrain. It will be ſufficient to ſpeak in a proper, pleaſing, and probable way; and the middle or temperate kind of ſtyle is that which ſuits beſt manners.

The ſentiments required for the pathos are of a different nature; but to draw a line of juſt diſcrimination between them, I ſhall reſemble the ethos to comedy, and the pathos to tragedy. And indeed, the pathos is intirely taken up with the paſſions of anger, hatred, fear, envy, pity. It is manifeſt to all from what ſources they proceed, and may be drawn, which I have mentioned in diſcourſing of the exordium and peroration.

I ſhall therefore obſerve only that there are two ſorts of fear; one, we are ſenſible of ourſelves; and the other, we inſpire others with. The orator finds more difficulty in exciting the latter. Some things are heinous in themſelves, as parricide, murder, poiſoning; others not, but may be repreſented as if they were. For this purpoſe we may ſometimes compare our misfortunes with others very great, and make appear that ours exceed them. Virgil * does ſo by the words he puts in the mouth of Andromache.

* Æn. iii. 321.

O!

O! happy ſhe, that Priameian maid,
Happy above the reſt! who, doom'd to die
Beneath Troy's walls, before an hoſtile tomb,
Fell by no lot to any victor's ſhare,
Nor e'er aſcended, as a captive queen,
His lordly bed. Trapp.

How rigorous is the fate of Andromache, compared with that of the happy Polyxena? Sometimes we may ſo heighten the injury done us, that one by far leſs great, may ſeem notwithſtanding inſupportable. 'If you had only ſtruck him, you could plead no excuſe; but you wounded him.' But of this more at large, when I come to ſpeak of amplification.

In the mean time, I ſhall content myſelf with remarking, that the orator's buſineſs in regard to the paſſions, ſhould be not only to paint atrocious and lamentable things as they are, but even to make thoſe ſeem grievous, which are reckoned tolerable; as when we ſay, that an injurious word is leſs pardonable than a blow, and that death is preferable to diſhonour. For the powers of eloquence do not conſiſt ſo much in forcing the judge into ſentiments, which the nature of the matter itſelf may be ſufficient to inſpire him with; as they do in producing and creating, as it were, the ſame ſentiments, when the ſubject may ſeem not to admit them. This is that * vehemence of oratorial abilities, which knows how to equal and even to ſurpaſs the enormity and indignity of the facts it expoſes; a quality of ſingular conſequence

* δείνωσις.

to the orator, and in which Demoſthenes excelled all others.

III. If I had thought it enough for me to abide by the precepts which have been delivered concerning the paſſions, I might have ſatisfied this part, having omitted nothing of all I read or learned that ſeemed to me any way rational. But my * intention is to lay open the myſterious ſanctuary of this place, and diſcloſe what has been moſt hidden in it; a diſcovery, which I owe, not to maſters, but to nature, and my own experience. The great ſecret therefore, as far as I am able to judge, for moving the paſſions, is to be moved ourſelves; for the imitation of grief, anger, indignation, will be often ridiculous, if conforming only our words and countenance, our heart at the ſame time is eſtranged from them. What other reaſon makes the afflicted exclaim in ſo eloquent a manner amidſt the firſt tranſports of their grief? And how otherwiſe do the moſt ignorant ſpeak eloquently in anger, unleſs it be from this force, and theſe feelings of the mind?

In ſuch paſſions therefore, which we would repreſent as true copies of real ones, let us be ourſelves like thoſe who unfeignedly ſuffer; and let our ſpeech proceed from ſuch a diſpoſition of mind, as we would have the judge be in. Will he grieve who hears me ſpeak with an unmeaning face and

* The precept that follows, "for being moved ourſelves, if we are willing others ſhould be moved," is not new, as Quintilian thinks, having been recommended before his time, by Cicero, l. 2 de Orat. n. 189, 197. and by Horace in his Art of Poetry, *ſi vis me flere, dolendum eſt primum ipſi tibi*. And the ſame nature and experience might have directed others to the ſame reflection before them.

air

air of indifference? Will he be angry, when I, who am to excite him to anger, remain cool and ſedate? Will he ſhed tears, when I plead unconcerned? All this is attempting impoſſibilities. Nothing warms nor moiſtens but ſomething endued with the quality of heat or moiſture; neither does any thing give to another the colour it has not itſelf. The principal conſideration to be attended to muſt then be, that we retain the impreſſion ourſelves we would have the judges ſuſceptible of, and be affected, before we endeavour to affect.

But how ſhall we be affected, the emotions of paſſions being not at our command? This too I ſhall ſtrive to explain. What the Greeks call φαντασίας, we may call viſions, whereby the images of things abſent are ſo repreſented to the mind, that we ſeem to ſee them with our eyes, and have them preſent before us. Whoever can work up his imagination to an intuitive view of this kind, will be very ſucceſsful in moving the paſſions. Some call that perſon ε'υφαντασιωτὸν, who by the force of imagination can expreſs in a natural colouring, things, words, and actions; and this with a little attention is eaſily effected.

For if, for example ſake, amidſt the amuſements of the mind, and vain fancies, and dreams, as it were, that ſeem to poſſeſs the notions of people awake, the images of the things of which we ſpeak, ſo ſeem to beſet our thoughts, that we imagine we are travelling, ſailing, fighting battles, and haranguing, and diſpoſing of the uſe of riches which we have not; and this not in thought only, but in reality: may we not then convert this vice of the mind to uſeful purpoſes? If I com-

plain of the fate of a man who has been aſſaſſinated, may I not paint in my mind a lively picture of all that has probably happened on the occaſion? Shall not the aſſaſſin appear to ruſh forth ſuddenly from his lurking place? Shall not the other appear ſeized with horrors? Shall not he cry out, beg for his life, or fly to ſave it? Shall I not ſee the aſſaſſin dealing the deadly blow, and the defenceleſs wretch falling dead at his feet? Shall not I figure to my mind, and by a lively impreſſion, the blood guſhing from his wounds, his ghaſtly face, his groans, and the laſt gaſp he fetches?

In this reſpect alſo the ἐναργεια, called by * Cicero illuſtration and evidence, will be of notable ſervice, as by it things ſeem not ſo much to be ſaid, as ſhewn; and paſſions will ſtart up in our minds, as if we were eye-witneſſes of the tranſaction. Do not the following deſcriptions of Virgil, ſhew the ſurprizing force of imagination? As of the ſituation and behaviour of Euryalus's † mother, on hearing of his death:

A ſudden chillneſs ſeiz'd her ſhiv'ring limbs,
From her ſlack hand down drops th' unravel'd web;
Springing, diſtracted, from her ſeat, ſhe rends
Her hair with female ſhrieks; and to the walls,
And foremoſt ſquadrons runs with frantic pace.
TRAPP.

And of the moving ſpectacle of the unfortunate ‡ Pallas, whoſe

gaping wound
In his ſmooth breaſt. TRAPP.

* Acad. iv. 17. † Æn. ix. 476. ‡ Æn. xi. 40.

And

And of the diſtreſſed condition of the * horſe of that young warrior, which replete with ſorrow for the death of his maſter, walked mournfully in the funeral proceſſion.

behind them, ſtripp'd
Of his rich trappings, goes the warrior ſteed,
Æthon; and big round drops roll down his face. Trapp.

Has not the ſame poet a very deſcriptive † image of a dying hour, and the regrets of a man breathing his laſt in a ſtrange country.

With dying eyes views the laſt light of heav'n,
And on his much lov'd Argos thinks in death.
Trapp.

But when there is an occaſion for moving to compaſſion, we ſhould believe and be indeed perſuaded, that the diſtreſs and misfortunes we ſpeak of, have happened to ourſelves. Let us place ourſelves in the very ſituation of thoſe, whom we lament as having ſuffered ſuch grievous and unmerited treatment. Let us plead their cauſe, not as that of another, taking to ourſelves for a ſhort time their whole grief. So it is we ſhall ſpeak, as if the caſe was our own. I have ſeen comedians, after appearing in a mournful character, make often their exit with tears in their eyes. If then the expreſſion given to imaginary paſſions, can affect ſo powerfully, what ſhould not orators do, whoſe interior ſentiments ought to ſympathiſe with their manner of ſpeaking, which cannot happen

* Æn. xi. 90. † Æn. x. 782.

unleſs they are truly affected by the danger their party is expoſed to?

In the declamatory exerciſes of ſchools, it would be likewiſe expedient to move the paſſions, and imagine the ſubjects as real tranſactions in life; and this ſhould take place, ſo much the more, as there the part of a pleader againſt, than advocate for, is performed. We repreſent a perſon, who has loſt his children, or has been ſhipwrecked, or is in danger of loſing his life; but of what ſignificancy is it to perſonate ſuch characters, unleſs we alſo aſſume their real ſentiments? This nature, and theſe properties of the paſſions, I thought it incumbent on me not to conceal from the reader, by which myſelf, ſuch as I am, or have been, (for I flatter myſelf I have acquired ſome reputation at the bar) have been often ſo affected, that tears not only, but even paleneſs, and grief, not unlike that which is real, have betrayed my emotions.

CHAP.

CHAP. III.

Of Laughter.

I. *The difficulty of exciting laughter.—Of Demoſthenes and Cicero, in this reſpect.* II. *Its efficacy.* III. *It depends on nature and occaſion.* IV. *Various names for the ridiculous.* V. *How laughter is excited. What ought to be avoided therein, and the moderation that ought to be kept.* VI. *Whence may ariſe ſubjects for laughter. Laughable things are either ſhewn, or told, or pointed out by a word.* VII. *All ſorts of jeſts do not become an orator.—Cold jokes lie in words.* VIII. *Examples of ſome witty and facetious ſayings.*

WE are now to ſpeak of a different affection, which by exciting the judges to * laughter, diſpells the gloom of melancholy impreſſions, ſuſpends often their attention by uſeful diſtractions, and ſometimes alſo recruits and refreſhes it after the diſguſt and fatigue of a long hearing.

I. The great difficulty of ſucceeding in this point may appear from the example of the two greateſt orators, one the prince of the Grecian, the other that of the Latin eloquence. Moſt allow that this power was wanting in Demoſthenes, but exceſſive in Cicero. Yet it does not ſeem to have been ſlighted by Demoſthenes, whoſe puns, few in number, but not anſwering his ſuperiority of genius in other reſpects, ſufficiently ſhew, that pleaſantry did

* Concerning laughter, ſee Cicer. l. ii. de Orat. n. 216. 290.

not,

not, in the main, diſpleaſe him, but that nature had refuſed him that turn of wit. As to Cicero, on moſt occaſions for exerciſing his talent of ſpeaking, he was thought to have affected too much a jocoſe diſpoſition.

But for my part, whether I judge well of the matter, or am overfond of this great maſter of eloquence, I find in him a nice and delicate raillery. In converſation he ſaid a multitude of witty things; and no orator was ever ſo facetious and agreeable in altercation, and the examining of witneſſes. The alluſions he makes to the name of Verres, and the poor jeſts he hazards in ridicule of his actions, he imputes to others, and relates as teſtimonies againſt him; ſo that the more they ſeem vulgar and trivial, the more it is probable they are not of his invention, but rather the drolls of the witling people. I wiſh, however, his freedman * Tyro, or whoever it was, that gave us a collection of his jeſts, was more ſparing in ſwelling the volume, and had ſhewed more judgment in making a choice, than zeal in compiling all that occurred. If ſo, this work would have been leſs ſeverely treated by the critics, which even in its preſent condition, ought to be reſpected, as well as his other witty productions, in which perhaps it may be eaſy to find ſomething to retrench, but not to add.

Now, what makes it ſo difficult to ſucceed herein is, that every word tending to excite laughter, has moſt commonly ſomething ſcurrilous in it, and ſcurrility is always low; very often too it is bor-

* Tyro Tullius, Cicero's freedman, publiſhed three books of Cicero's jeſts. Macrobius ſays, that ſome are of opinion that theſe books were written by Cicero himſelf.

rowed

rowed from ſome vicious imitation, and is ſeldom or ever to his honour who expreſſes it. Beſides, it is differently taken by the hearers, as no judgement can be formed of it by any certain and invariable rule, but rather by the ſentiments it produces, which we cannot ſo well account for, being better felt than expreſſed. For I think that none yet have ſatisfactorily expreſſed what laughter is, though many have attempted it. We ſee it moved not only by a word or action, but even by ſome manner or poſition of the body. Subjects likewiſe of various kinds are equally cauſes of it, as we not only laugh at witty and humorous things, but thoſe, which folly, anger, or fear may ſay or do; and the reaſon why it is ſo eaſy to be miſtaken in matters of pleaſantry is, that ſcorn is nearly akin to laughter: for which reaſon Cicero has judiciouſly * obſerved, that the object of ridicule is always ſome deformity or meanneſs, which by diſcovering in another, we make it on our ſide raillery; but if in laughing at others faults, we betray our own, it is folly and ſtupidity.

II. Though laughter may ſeem frivolous, and more becoming a buffoon than an orator, yet I cannot ſay what is more powerful, or more difficult to be reſiſted. It often breaks out in ſpite of us, and unaſſiſted by other means, not only forces the face and voice to expreſs it, but ſhakes the whole body by its violent commotions. It often likewiſe, as I ſaid, diſconcerts and unhinges the moſt ſerious and weighty affairs, by frequently breaking the edge of hatred and anger. We have

* De Orat. ii. 236, and 248.

an

an inſtance of this in ſome young Florentine gentlemen, who having ſupped together, and in the heat of wine, made rather too free with king Pyrrhus's conduct; and the next day, finding themſelves betrayed, and obliged to give an account to Pyrrhus himſelf of their converſation, which they neither could deny nor excuſe, they ſaved themſelves by a very ſeaſonable joke: "It is all very true, Sir, ſaid one of them; and was not our bottle exhauſted, we certainly would have had thoughts of killing you." By this pleaſant, yet bold addreſs, the whole malice of their crime vaniſhed.

III. But this buſineſs of laughter, though I dare not ſay that it remains without the direction of art, becauſe ſome obſervations have been made on it, and ſome precepts have been compoſed for it, both by the Greeks and Latins; yet, I verily believe that it is principally indebted to nature and occaſion. When I ſay to nature, it is not becauſe ſome are more acute and ingenious than others at exciting laughter; for here too nature may receive an additional increaſe from art: but I ſay, that ſome in pleaſantry, are ſo graceful in their manner, that the ſame things would be by far leſs agreeable if ſpoken by others. As to occaſion, and the circumſtances of things, their force is ſo conſiderable, that not only the illiterate, but even peaſants make quick and ſharp repartees to thoſe who begin an attack of ſcurrility upon them; and in all theſe caſes there is generally a handſomer, and more genteel come off in the anſwer than in the challenge.

There

There being no exerciſes upon it, nor maſters to direct the learning of it, adds likewiſe to the difficulty. It is true, that in banquets, and the familiar intercourſe of life, many are found exceeding witty, and ſhew infinite humour in their jeſts; but this happens from being practiſed in them: whereas, at the ſame time, the nice and delicate raillery, which ſuits an orator, is very rare, having no peculiar art to guide it, and yet is ſeemingly attainable from this commerce with the world. . .

IV. In laughable matters, we commonly uſe many terms to expreſs the ſame idea; but if all theſe were examined ſeparately, we ſhould find to each of them annexed a peculiar ſignification.

By * politeneſs, it ſeems, we underſtand a way of ſpeaking, which in words, accent, air, and manner, makes perceptible a taſte of the town, joined to a certain tincture of erudition, imbibed from the converſation of men of letters: ſomething, in fine, the reverſe of ruſticity.

By † agreeableneſs, is underſtood, all that is ſaid with a graceful and beautiful turn.

We uſually ſay a word is "well ‡ ſeaſoned," to ſignify one which makes us laugh, and has ſomething ſatyrical in it. I ſay uſually, becauſe in reality, though every word which makes us laugh, ought to have ſome ſeaſoning; yet it is not neceſſary, that all which is ſeaſoned, ſhould make us laugh. For when § Cicero ſays, that all we call ſeaſoned, is properly of the Attic taſte, he does not mean that the Athenians are the only

* Urbanitas.
‡ Salſum.
† Venuſtum.
§ Orat. 90.

people

people in the world moſtly addicted to laughter: and when * Catullus, ſpeaking of a large ſized woman, ſays, "That in that huge body there was not one grain of ſalt;" he does not ſay, there was any thing to be laughed at in her. I am therefore apt to think, that the ſalt of a diſcourſe is that which conſtitutes its natural ſeaſoning, and is oppoſite to what we call "inſipid;" and that this ſalt makes itſelf known to the mind by ſome ſecret perception, as material ſalt to the palate, whetting conſtantly all that is ſaid, and keeping it from creating a loathing. And indeed, ſalt ſprinkled on meats, ſo it be not in too great a quantity, quickens the appetite with a particular ſenſe of pleaſure; ſo the ſalt of the wit, by ſeaſoning a diſcourſe, has ſome charm in it, that makes an auditory thirſt after hearing it.

I do not think alſo that the word † facetious, ought to be reſtricted to things that cauſe laughter. For Horace would not have ‡ ſaid that nature had beſtowed on Virgil a facetious kind of poetry. I rather fancy that it ſignifies a beautiful and exquiſite elegance; and Brutus uſed it in Horace's § ſenſe, as appears in one of Cicero's epiſtles.

We take the word ‖ joke to be that which is contrary to what is ſerious. For it may be a joke to pretend, and to frighten, and to promiſe, and the like.

* Nulla in tam magno eſt corpore mica ſalis.
† Facetum.
‡ Molle atque facetum Virgilio, lib. i. ſat. 10. v. 44.
§ Næ illi ſunt pedes faceti, ac deliciis ingredienti molles.
‖ Jocus.

Raillery,

* Raillery, is a generical term, applicable to all its ſpecies; yet ſeems properly to ſignify a biting manner of expreſſion, accompanied with a malicious laugh or ſmile. Demoſthenes was ſaid to poſſeſs politeneſs but not raillery.

V. But that which we here ſpeak of, properly regards what is called † ridicule. The Greeks have expreſſed it by a ‡ term equivalent to ours. Its firſt diviſion is the ſame, as of every ſort of ſpeech, conſiſting of things or words; and its practice is very ſimple: for ſubjects for laughter are either taken from others, or from ourſelves, or from things intermediate. In others, we blame, refute, leſſen, retort, or elude them. In ourſelves, we point them out, and, to uſe Cicero's § words, we hazard ſome abſurd expreſſions; for the ſame things which are ſilly, if they fall from us inadvertently, are agreeably received when ſaid deſignedly. Intermediate things conſiſt, as Cicero alſo ‖ obſerves, in deceiving the expectation of the auditory, by taking a word quite otherwiſe than it ſeemed we ſhould, or any other particular, neither regarding others properly, nor ourſelves.

We alſo, either do, or ſay, ridiculous things. An action becomes laughable when accompanied with an air of gravity, as that of the prætor Cælius, who, when the conſul Iſauricus had broke his ivory chair by ſitting down in it, handed him another girt about with leather-ſtraps, alluding to that conſul's being once laſhed by his father. Sometimes the action is quite impudent, as the

* Dicacitas.
‡ περὶ γελοίου.
‖ Ibid.
† Ridiculum.
§ De Orat. ii. 89.

affair of the box given by Cælius to Clodia, on which Cicero is ſo reſerved; for ſuch things neither become an Orator, nor any diſcreet man. The ſame may be ſaid of the air of the face, and of the geſture, which certainly contribute much to excite laughter, but never to ſo great a degree, as when they ſeem not to court it. Herein pleaſantry ſhews itſelf to perfection; for though theſe ſerious looks lend a particular grace to what is ſaid, making them the more diverting, as he who expreſſes them, does not laugh; there is, notwithſtanding a way of adjuſting the eyes, and countenance, and geſture, which become productive of very pleaſing effects, when kept within certain bounds.

As to words, they are either ludicrous, or abounding with mirth, as moſt of the ſayings of Galba; or offenſive, as thoſe lately taken notice of in Junius Baſſus; or harſh, as of Caſſius Severus; or mild and humane, as of Domitius Afer. It is of ſome conſequence, where and on what occaſion they are uſed. At merry meetings, and in common diſcourſe, words rather immodeſt and licentious are frequently in the mouths of the meaner ſort; but ſuch as are expreſſive of a chearful diſpoſition, become all indiſcriminately on theſe occaſions. Yet let our ſportive fancies be quite inoffenſive, ever guarding againſt the folly, of "chooſing rather to loſe a friend than a pun." In contentions at the bar, I had rather abſtain, even from the more innocent ſort of jeſts, than give umbrage to any one; though it is allowed to uſe there the moſt ſharp and cutting raillery againſt adverſaries, as we may impeach openly, and proſecute

cute to capital conviction. But no juſt inference can be hence drawn, that we might inſult the unhappy. There is always an inhumanity in doing it, either becauſe they are leſs criminal than unfortunate, or that the ſame miſhap may await ourſelves.

We ſhould therefore firſt conſider "who it is that ſpeaks, and in what cauſe, before whom, againſt whom, and what he ſpeaks." It is quite unbecoming in an Orator to diſtort all the features of his face, and uſe ridiculous geſtures in the manner of buffoonery. The ſcurrilous language of low comedy is alſo intirely foreign to him; and as to obſcenity, far from mentioning any thing of the kind, he ſhould not even allude to it: and if at any time it may be laid to the charge of a perſon, it is not in all places it would be fit and decent to expoſe the matter. I would have the Orator beſides enliven his diſcourſe by nice and delicate touches of raillery, but would not have him appear to affect them; for which reaſon he ſhould not be witty as often as he might, but come reſolved to loſe rather ſometimes a pun, than leſſen his authority: for indeed, no one can bear with an accuſer full of jokes in a cauſe of an atrocious nature, nor an advocate indulging a like ſtrain in one that abounds with diſtreſs.

Some judges are ſo ſerious and grave, if not moroſe in temper, as ſcarce ever to countenance an attempt to make them laugh. It happens alſo ſometimes, that in fancying to hurt the adverſary, what we ſay redounds to the prejudice of our own party, or is offenſive to the * judge; and ſome have ſuch a paſſion for jeſting, that even to their

* See an example of this, de Orat. l. ii. n. 245.

own diſparagement they will not abate a tittle of this petulant humour. We have an inſtance of this in Longus Sulpitius, who being very ugly himſelf, and pleading againſt a man, his counterpart in uglineſs, whoſe cauſe was a diſpute concerning his right of freedom, ſaid that he had not even the appearance of a man that was free: upon which Domitius Afer replied directly; "And are you in earneſt, Longus; and do you believe that an ugly face is a negation to freedom? Your own, take my word for it, is not a whit handſomer."

We ſhould alſo be careful that what we ſay in the way of joke, be not petulant, nor haughty, nor out of place and ſeaſon, nor appear premeditated, or brought from home. To divert ourſelves at the expence of the wretched, is an inhumanity I have already given ſome hints of; and there are ſome judges, whoſe authority is ſo well eſtabliſhed, and moderation known, that to hazard any petulancy in their preſence, would be extremely diſguſting to them, and ill received. As to friends, I have given directions how we ſhould behave towards them.

But there is an advice I would give, not only to orators, but to all in general, which is, never to form an attack upon perſons, whom it would be dangerous to offend, leſt mortal hatred, or an humiliating ſatisfaction be the conſequence. I would likewiſe adviſe the declining of thoſe malicious and ſarcaſtic railleries, which reflect on whole nations, orders, conditions, or profeſſions of men. A good man may be witty, but it will never be at the expence of his dignity and modeſty; for a joke muſt be over-rated in its value, if probity ſuſtains any detriment or loſs by it.

VI. It is very hard to ſay, whence laughter may be raiſed, and from what places it may be drawn. For if we were to go through all the ſpecies, it would be an endleſs piece of work, and we ſhould labour in vain. . . However, in general, laughter may be ſaid to ariſe from the bodily defects of him againſt whom we ſpeak; or from thoſe of his mind, which are judged ſuch, by his words and actions; or from things extrinſic, yet relative to his perſon. All the animadverſions that may paſs upon men, are reducible to theſe three heads; and if the matter be of a grievous nature, the animadverſion will be ſerious; and ludicrous, if in the main, of no great moment: and theſe are either pointed out, or told, or ſpecified by ſome word.

It ſeldom happens that there is an opportunity of placing them before the eyes of the auditory in ſo conſpicuous a manner as was formerly done by C. Julius,* who, having told Helmius Mancia, who had often interrupted him with his clamours, that unleſs he ceaſed, "he ſhould ſoon ſhew him what he was!" And Mancia challenging him to do ſo, he pointed to the target of Marius, on which a hideous looking Gaul was painted, whom Mancia was then very like. There were ſhops about the Forum, and that target was ſet up at one of them as a ſign.

Fictitious narratives ſhew the ingenuity of an orator. Cicero, in his oration for Cluentius, makes a very pretty one concerning Cepaſius and Fabritius; and Marcus Cœlius another, concerning the contention of Lælius and his collegue for haſten-

* See this ſtory more at large, de Orat. l. ii. 266.

ing into their province. But ſuch narratives require great graces and elegance, eſpecially in what the Orator inſerts of his own. The abſconding of Fabricius was thus qualified with a pretty high ſeaſoning by Cicero: "Cepaſius, in his defence of Fabritius, imagining himſelf very ingenious, for having invented theſe extraordinary and energetic expreſſions: "Behold, good Sirs! the misfortunes of mankind! Behold the various and melancholy accidents they are expoſed to! Behold the old age of the unhappy Fabritius!" "After repeating this Behold ſeveral times, which he thought a ſingular ornament to his ſpeech, he took it in his head to behold himſelf; but behold Fabritius was gone! who taking his cauſe for loſt, hung down his head, and paſſed out without any one perceiving him." Thus was this narrative conducted together with what he further added; but of all theſe particulars, nothing was true, except Fabritius's quitting the auditory. And Cœlius's fiction is in all parts exceeding pretty, eſpecially towards the end: "How he paſſed over the ſea, whether aboard a ſhip, or in ſome fiſherman's boat, is what no ſoul can tell. The Sicilians, who are a waggiſh ſort of people, report that he chanced to light of a dolphin, which carried him over on his back like another Arion."

Cicero thinks that a * facetious manner ſuits beſt a narrative of this ſort, and that raillery ſhould be levelled only at perſons. Domitius Afer had a wonderful grace in telling theſe little ſtories, and many of them we find inſerted in his

* Orat. 87.

ſpeeches.

ſpeeches. He was not leſs ſucceſsful in witty ſayings, of which he has left us ſome collections.

This kind alſo takes place, not ſo much in thoſe darts of wit and raillery, as in an action of ſome length, of which Cicero gives us an † account in his ſecond book concerning the orator, and in ſome other paſſages, relating in the former, the proceedings of Craſſus againſt Brutus. It ſeems that Brutus, in accuſing Cn. Plancus, who had retained L. Craſſus for advocate, had commiſſioned two clerks to read two inſtruments, whereby it appeared that Craſſus had manifeſtly contradicted himſelf in ſaying on the affair of the colony of Narbon, quite the reverſe of what he had ſaid concerning the Servilian law. Craſſus hereupon commiſſioned three others to read three dialogues of Brutus's father, by which it appeared, that one of them had been compoſed at Piperno, another at Albano, and the third at Tivoli; and then aſked him what was become of theſe eſtates. Brutus had ſold them all, and for having thus diſſipated his paternal fortune, was conſidered in a baſe light, and his accuſation turned into ridicule.

Fables ſometimes, and certain appoſite tracts from hiſtory, contribute in like manner to the embelliſhments of a ſpeech. However, the ſhort touches of raillery and pointed ſentences have ſomething more ſtriking, and may be equally uſed for attacking or defending; for the aggreſſor can ſay nothing, which does not admit of a reply. . .

VII. Now, as the places are many, from whence laughable ſayings are drawn, I muſt again obſerve, that all of them indiſcriminately do not ſuit the

† De Orat. ii. 213. et pro Cluent. 140.

orator. Among theſe, I particularly except againſt equivocations, all captious obſcurities in the manner of * Atellanes, all cant words, the favourite jargon of the common people, and others of the like caſt, the ambiguity of which is made to receive a turn for infamous obloquy; and words of a double meaning, which ſometimes fell from Cicero, not in pleading, but in common diſcourſe; as, ſeeing a man, who was ſaid to be the ſon of a cook, aſk another in his preſence, for his vote; "And † I too, ſays Cicero, will give you mine, with good ſauce into the bargain." Not that I hereby think to exclude all words of a double meaning, but only to intimate, that they ſeldom anſwer well, unleſs properly ſupported by the things themſelves.

If the example juſt cited, may ſeem to border upon ſcurrility, the following on the above mentioned Iſauricus, may be characterized as facetious and elegant. "I wonder ſays Cicero to him, how your father, the ſmootheſt man in the world, could have left ſo ‡ rough a ſon behind him."

* The Atellanes were a kind of farce or interlude, much like the ſatiric comic pieces of the Greeks, and were ſo called from Atella, a town of the Oſci They abounded with pointed ſentences, a play of words, and ſome excellent jeſts, in which the mind was taken up with the pleaſure of divining. Nothing in them was offenſive to modeſty; and they were the only the Romans could play without incurring the ſtigma of infamy.

† *Ego quoque tibi jure favebo*, cannot be made Engliſh according to the Latin equivocation. Here it means thoſe *broths* or *ſoups* that are ſeaſoned by cooks. There may be another equivocation in *quoque* for *coque*, being thus in ſound both a noun and conjunction. Cicero ſays the ſame of another, *optimo jure magiſtratum es adeptus*.

‡ *Varius*, coarſe, *uneven*, *rough*, *rugged*. *Vari*, ſo the pimples and puſtules were called, as thoſe of the ſmall pox.

This

This too, from the ſame author, is extremely well hit off: as when Milo's accuſer objected to him, as an argument, that he lay in wait to kill Clodius, becauſe he turned out of the road to go to Bovillæ before the ninth hour, in order to wait the departure of Clodius from his villa, and becauſe having often aſked him what time Clodius was killed, he anſwered, "late;" which equivocating word may alone ſuffice to ſhew, that this ſort of raillery is not intirely to be rejected. Add to this, that equivocations not only ſignify ſeveral things, but alſo quite the reverſe of what they ſeem to ſignify. So Nero ſpeaking of a ſlave he had, who was an arrant thief, gave him this * character; "that he was the only one of his domeſtics who could be moſt truſted; as there never was any thing either hidden, or locked up from him." . .

Punning upon names by adding, changing, or retrenching ſome letters, is generally cold, and inſipid. Thus I find one by the name of Aciſculus, called Paciſculus, upon account of ſome iniquitous contract he had engaged in; and Placidus called Acidus for being of a ſour temper, and Tullius for being a thief, called Tollius. This ſort of pleaſantry, to be tolerable, muſt rather allude to things than names. Domitius Afer, ob-

which break out over the whole body, and eſpecially in the face, making certain pits and inequalities in it. Whence a man was called *Varius* by ambiguity, or inconſtant, or deformed by being marked with theſe pits.

* Nothing is locked up from ſervants of approved honeſty and fidelity; but the diſhoneſt will come at every thing they poſſibly can, notwithſtanding its being kept under lock and key from them. The Nero here quoted is not the Emperor of that name. This paſſage may be ſeen in Cic. de Orat. l. ii.

ſerving Manlius Sura to put himſelf in great agitations as he pleaded, as to run to and fro, jump, toſs about his arms, let fall and adjuſt his gown; ſaid very pleaſantly, that he could not tell whether that man pleaded, but that he perceived he was very buſy. The word "very buſy" is facetious enough, without alluding to any other. An aſpiration, taken from or added to a name, is productive of a jeſt, moſt commonly cold indeed, but ſometimes paſſable.

The ſame may be ſaid of all the ſignifications that are made out of names. Cicero in this way made many remarks on the name of Verres, but relates them as coming from others, and not of his own invention: "That * by being called "Verres", he certainly in conſequence of his name would "bruſh away" every thing; that he would be more troubleſome to Hercules, whom he had plundered, than ever the Erymanthean "boar" was; and that "Sacerdos" did not deſerve to be ſo called, for having left behind him ſo "dangerous an animal." A lucky hit or chance ſometimes makes theſe alluſions quite ſeaſonable, as we find in Cicero for Cecinna, to diſcredit the depoſition of a witneſs, who was called Sextus Clodius Phormio: "You ſee, good Sirs, that this Phormio is not a leſs notorious rogue, nor leſs preſumptuous, than the Phormio of Terence."

VIII. Jeſts ariſing from the nature of things, are always the ſmarteſt and moſt elegant. . . In Cæ-

* *Verrere* ſignifies *to bruſh*, and *verres* a *boar-pig*. Whence theſe alluſions. The governor of Sicily before Verres was called Sacerdos, and Sacerdos ſignifying a ſacrificator or prieſt, Cicero puns upon the word, becauſe in Sicily ſwine were ſacrificed to Ceres.

ſar's triumph, the towns he had taken, were repreſented in ivory, and carried with great pomp in the proceſſion: in ſome few days after Fabius Maximus triumphed, and his towns were only of wood: Chryſippus remarked on the occaſion, that they were but caſes for Cæſar's towns. . * . Some ambaſſadors from Tarragona in Spain, having complimented Auguſtus that a palm-tree had grown up on his altar in their country: "Nothing declares better, replied Auguſtus, your care in burning ſacrifices upon it." . . . Philip, the Orator, aſking Catulus what he barked at? "Why, ſays Catulus, I ſee a † thief." . There is a way of deceiving the expectation, by giving to the words of another a quite different meaning from what they ſhould have; and this always proves a very agreeable kind of raillery, as that † ſaying of Cicero: "He is a man, to whom nothing is wanting, except riches and virtue." Or of Domitius Afer: "No man can appear better || aparelled for pleading a cauſe." . . * .

It makes a ſhew of erudition to borrow hints of raillery from hiſtory or fable. Of this we have an example in Cicero's examining a witneſs, whom he led to ſay ſeveral things to the prejudice of Verres, which Hortenſius obſerving, ſaid that he did not comprehend ſuch riddles: "Why not, replied Cicero, do not you keep a ſphinx at

† It is not probable that Philip the Orator was a thief, and therefore this ſmart repartee does not ſeem to be levelled at him. Perhaps it was at the perſon, whoſe cauſe Philip then defended. See Cic. de Orat. ii.

‡ De Orat. ii. 181.

|| Meaning if fine and elegant cloaths were to gain a cauſe, no man could come better furniſhed or qualified.

your

your houſe?" The reaſon of his ſaying ſo was, that Verres had made him a preſent of a brazen ſphinx of great value. . .

In ſhort, all witty ſayings in my opinion, to be juſtly reputed ſuch, ought to have no abſurdity in them, nothing clowniſh or flat, nothing foreign; and all, or any of theſe particulars, ought not to be diſcoverable in meaning, words, pronunciation, or geſture; that the force and beauty may lie, not ſo much in a ſingle word, as in the whole colouring of the diſcourſe, as among the Greeks, the Atticiſm, a certain delicacy, ſavouring of a wit and taſte peculiar to Athens. . .

CHAP. IV.

Of Altercation.

Why he now treats of it.—Its importance.—The altercator ought to be a perſon of piercing and ready wit.—He ſhould be free from the vice of anger.—The ſtate of the queſtion ſhould be conſtantly preſent to his mind.—He ſhould not be clamorous. How he may enſnare his adverſary.—He muſt have an eye to what he is to preſs home, and what to paſs by.—He muſt acquire practice in this buſineſs.

THE precepts concerning altercation, might, it ſhould ſeem, have ſucceeded, as in their proper place, all that I have diſcuſſed as belonging to a continued diſcourſe, its uſe being laſt in order; but by its conſiſting entirely of invention, by its having no occaſion for diſpoſition, by its needing but few graces of elocution, and by memory

mory and pronunciation being of no great help to it, I think it may well come in here. It was therefore adviſable, before paſſing to the ſecond part of the five I mentioned, not to leave behind an article, which depends abſolutely on the firſt; and if other writers have omitted it, they fancied perhaps that being well inſtructed in other parts was a ſufficient introduction to this. The whole of it is made up of attack and defence, of which I have already ſpoke ſufficiently; becauſe whatever ſerves to enforce proofs in a continued diſcourſe, is conſequently available in this which is ſhort and interrupted; for things of a different nature and tendency are not ſaid in the altercation, but are otherwiſe treated, as by way of queſtion and anſwer; which point too has been fully explained in the obſervations I made on witneſſes. But having undertaken to give this work its due extent, and conſidering withal that the orator cannot be ſaid to be perfect without poſſeſſing this accompliſhment, I ſhall throw together ſome reflections on the matter, which I think in ſome cauſes contributes greatly to bring the advantage over to our ſide.

The conteſt in altercation is generally hot, and no where one is obliged to fight more with *ſword in hand. For then it is the orator muſt fix his principal proofs in the judge's memory, and perform whatever he has promiſed in the pleading, and refute all the falſe poſitions of the adverſary. A judge is never elſewhere ſo attentive, and it is not without reaſon that ſome, though of indifferent

* *Mucrone pugnari* is an elegant metaphor in Latin, borrowed from warlike engagements, the battle being then moſt deſperate, when having diſcharged all miſſive weapons, they come to cloſe quarters with the ſword.

oratorial abilities, have acquired the reputation of good advocates by managing the altercation to advantage. But ſome orators, ſatisfied with diſcharging the more ſpecious part of the duty they owed their clients, quit immediately the auditory, followed by a train of flatterers, and leave this deciſive part of the battle to be diputed by ignorant* attornies and ſollicitors. On this account it is, that we ſee commonly in private cauſes, ſome nominated for the principal action, and others for the proofs: for my part I think, that, if theſe functions are to be divided, this is undoubtedly the more neceſſary; and I am aſhamed to ſay, that theſe attornies ſhould be found more uſeful to the contending parties than great advocates. This abuſe, however, has ſtill been guarded againſt on public † trials, wherein the crier calls out upon the principal pleader to come and appear, together with the other advocates.

To ſucceed in altercation, a perſon muſt be of ready wit, ſharp judgment, and have great preſence of mind; for he muſt not ſo much think, as reply off hand, and be ever watchful to ward off the adverſary's blow. Wherefore as it contributes much to all parts of the orator's duty, not

* *Pullata turba* a name given to the illiterate. The common people at Rome, formerly wore *black*, and were thence denominated; but here the *pragmatici*, or lower practitioners in the law, are underſtood; for the orators appeared clad in *purple*.

† In public judgments, after the peroration on both ſides, it was uſual with the crier to give warning to the advocates to proceed to the altercation; and as there were many of them, he at laſt cited the pleader of the cauſe by name, ſo that it muſt have been ſhameful to him, if he could not acquit himſelf of the altercation.

only to be careful in ſtudying, but alſo to be familiarly acquainted with the cauſes he undertakes; ſo in altercation it is extremely neceſſary to have a thorough knowledge of perſons, inſtruments, times, places, and the like. .

A good altercator ſhould be careful of giving into the vice of anger, as no paſſion is ſo great an enemy to reaſon, nor more capable of making us loſe ſight of the cauſe, often compelling us to ſay unſeemly things and to meet with a like return, and ſometimes irritating the minds of the judges againſt us. It is therefore more adviſeable to uſe moderation, and ſometimes even patience. We need not put ourſelves to the ſtreſs of refuting all manner of objections; ſome we may make ſlight of, leſſen their force, or turn into ridicule; and keen jeſts and raillery are never elſewhere ſo ſeaſonable: yet muſt we bear up againſt perturbators, and withſtand impudence with all our might; for ſome are ſo prepoſterous, and obſtinately bent on gratifying this humour, that they raiſe huge clamours, and interrupt in the midſt of talking, and confound all by their tumultuous noiſe. Theſe are not fit objects for imitation, and I would therefore have them vigorouſly reſiſted, and cut ſhort in their ſtrain of petulancy, by often requeſting the judges, or preſiding magiſtrates, to interpoſe their authority, that every one might retain the liberty of ſpeaking in his turn. For patience in ſuch caſe, is not moderation and a mildneſs of temper, but puſillanimity, and the effects of a daſtardly diſpoſition.

An acute and piercing judgment is of vaſt ſervice in altercation; which undoubtedly does not proceed

proceed from art, as nature is not taught, but may be helped by art. The principal conſideration in this reſpect is, to keep always in view the ſtate of the queſtion, and what we deſign to effect. Thus holding to our purpoſe, we ſhall not engage in wrangling, nor ſpend the allotted time of the debate in obloquy; and if the adverſary does ſo, we may have reaſon to be glad that he acts contrary to his intereſt. Every thing lies ready for him, who has diligently meditated on what may be objected to him, or what he ought to anſwer. Some times it may not be amiſs to have recourſe to the artifice of producing ſuddenly in the altercation, ſome things which have been diſſembled in the pleading, in order to bear down the adverſary contrary to his expectation, juſt like a ſally from a beſieged place, or an irruption from an ambuſcade, rapidly pouring down upon an unprepared enemy. This is beſt done, when any thing occurs, which cannot be immediately anſwered, though it might with ſufficient time. For what is really ſubſtantial in an argument, it would be always adviſable to make the moſt of in the firſt pleadings, that it might the oftener and longer be inſiſted upon.

It ſhould ſeem unneceſſary to adviſe the altercator to avoid merely appearing as full of buſtle, noiſe, and obſtinacy, a fault chiefly inherent to the illiterate. This perverſe fanciful humour, whilſt troubleſome to the adverſary, muſt be hateful to the judge. And indeed, long reſiſtance is hurtful in what you are not able to obtain; for where there is a neceſſity for being conquered, it is expedient to yield; becauſe, if many points be conteſted, the ſincerity we ſhew in giving up

up one, will make us credited in others; and if there be but one, and we relinquiſh it, our honeſt ſhame will at leaſt incline the judges to act with leſs rigour towards us: whereas to defend ſtubbornly our fault, eſpecially when made ſenſible of it, is a ſecond fault worſe than the firſt.

Whilſt the battle is ſtill fighting with various ſucceſs, it will be a good ſtratagem, to draw the adverſary into an error, and to let him run out of his byaſs as long as he may, buoying himſelf up with the hopes of coming off conqueror. For this purpoſe we may ingeniouſly diſſemble our having certain inſtruments, which he, no doubt will require with importunity; and imagining no voucher of any ſort can appear, he will admit the loſing of the cauſe if there could. This requiſition on the producing of our vouchers, will eſtabliſh in full authority our proofs. It will be alſo adviſable to make ſome conceſſion to the adverſary, which by thinking to his advantage, and making a handle of as ſuch, he will be obliged to give up ſomething of greater moment himſelf. Again, two things may be propoſed, the choice of either of which will be againſt him. This is done with better effect in the altercation than pleading, as in the latter we anſwer ourſelves, but in the former we oblige the adverſary to hold to his own confeſſion.

It is likewiſe the buſineſs of acute judgment to diſcern the things that make an impreſſion on the judges, or create in them a diſtaſte, which is oftenеſt perceptible from reading their countenance, and ſometimes from a particular word or action. We ſhould inſiſt upon the reaſons they ſeem to approve,

prove, and by a gentle ſliding diſengage ourſelves inſenſibly from thoſe they are unfavourable to. So it is that phyſicians manage their patients: they ceaſe or continue their remedies, in the proportion they obſerve their conſtitutions to receive or reject them. Sometimes, if it be not eaſy to extricate ourſelves out of the embaraſſment of the propoſed queſtion, we ſhould ſtart another, and draw over to it, if poſſible, the judge's attention. For where we cannot anſwer properly ourſelves, what better expedient can we adopt than to involve our adverſary in the like dilemma. .

But to be practiſed in altercation is the likelieſt way to prove ſucceſsful. In order thereto, no exerciſe could be more uſeful, than frequently with the companion of the ſame ſtudies, to make choice of a ſubject of controverſy, either fictitious or real, and diſpute upon it, as is done in the altercation. Any ſingle queſtion may be canvaſſed in this manner.

I would not alſo have an advocate be ignorant of the order he ſhould propoſe his proofs in for the conſideration of the judges. The way of conducting this is the ſame as that of arguments, concerning which I remarked, that the moſt cogent and powerful ought to be enforced both in the beginning and the end; as by this placing of them the judges are firſt diſpoſed to believe what we advance, and ſecondly to pronounce in our favour.

CHAP.

CHAP. V.

Of Judgment and Deſign.

HAVING diſcuſſed theſe particulars to the beſt of my abilities, I would have directly paſſed over to diſpoſition, which follows naturally in the order of things; were it not, that ſome, by placing judgment immediately after invention, might think it ſtrange, if I did not here ſpeak of it. But in my opinion, it is ſo connected and intermingled with all the parts of this work, as not to admit of being ſeparated from thoughts; no, not even from ſingle words; and therefore can no more depend upon the direction of art, than taſte or ſmell. All that we can then do, is to point out and inculcate what may be right and what wrong, that judgment may keep them in view; and the principle rule for its guidance herein, is not to attempt proving what is impoſſible, to avoid arguments contrary to us and thoſe common to both parties, and never to uſe a corrupt or obſcure manner of expreſſion. As to all other particulars, they lie not within the precepts of art, but muſt be judged of by an intimate ſenſe, not reducible to deſcription or demonſtration.

Now, as to deſign, I believe the diſtance between it and judgment extends no farther, than that the latter is converſant with things of eaſy invention, and, as it were, preſenting themſelves; and the former, with ſuch as lie hid, or are not yet fully diſcovered, or doubtful: and that judgment is moſt commonly certain; whereas deſign

is a reaſon, going deep into the matter, uſually making an eſtimate of many things, and comparing them together, and comprehending in itſelf both the act of inventing and judging.

There are not, however, any general precepts for directing us in regard to judgment and deſign, as they often vary according to circumſtances: for deſign ariſes from a thing, which may frequently take place before the pleading of a cauſe. Thus Cicero ſeems to have laid his deſign pretty deep, when he choſe to abridge the term of his pleading againſt Verres, rather than hazard the deciſion of the cauſe, if it was deferred till the year that Q. * Hortenſius was to enter on his conſulſhip. And indeed, it is deſign that holds the firſt and principal rank in the pleadings themſelves: it ſuggeſts what ought to be ſaid, and what not, and what ought to be deferred to a convenient opportunity: it directs whether it be better to deny, or to defend; where the exordium may be of ſervice, and of what ſort; whether the narration be neceſſary, and how it ſhould be conducted; whether we ſhould contend for the rigour of the law, or be content to have the matter decided by equity; what order is likely to be of moſt utility in the pleading; what colouring would beſt ſuit each of its parts; and whether the elocution ſhould be in a bold, gentle, or ſubmiſſive manner. Precepts have been given on all theſe heads, as they occurred, and the ſame I intend to do in the remaining part of this work. I ſhall, however, add a few things by way of example, in order to ſhew

* Hortenſius was Cicero's chief rival in eloquence; and it was he that undertook the defence of Verres.

more

more clearly what that is, which I think cannot be demonſtrated by precepts.

The * deſign of Demoſthenes is commended, who being to perſuade the continuance of war to the Athenians, in which they had hitherto been but unſucceſsful, undertook to demonſtrate that they had yet done nothing in which prudence and good management had any ſhare. He thus imputed their ill ſucceſs to neglect, which might eaſily be repaired by diligence, and by being more circumſpect. But if he had intimated they were not wanting in any thing, they could not reaſonably flatter themſelves with better hopes for the time to come. The ſame † Orator, apprehenſive of giving offence to the Athenian people, if he ſhould reproach them with their indolent diſpoſition, turned artfully his diſcourſe upon the glory of their anceſtors, who, to aſſert and eſtabliſh firmly their liberty, had governed the republic in the true ſpirit of patriotiſm. This was telling them things they heard with pleaſure, and it was natural to approve of ſo laudable a conduct, and to be touched with remorſe for their own, which was then quite the reverſe.

Cicero's oration for Cluentius, would alone be ſufficient to furniſh a number of examples. For what deſign can I admire moſt in him? Shall it be the firſt expoſition, whereby he deſtroys the credibility of a mother, who appeared againſt her ſon, and whoſe teſtimony was greatly to be dreaded? Or, his turning againſt the adverſe party the ſuſpicion that Cluentius had corrupted the judges, which he choſe to do rather than deny the fact, on

* Philip i. † Olynth. iii.

account,

account, as he ſays himſelf, of the notorious infamy of that judgment: or, in this very odious affair, his having at laſt recourſe to the relief of the law, a kind of defence, which would have greatly diſpleaſed the judges, if, without theſe precautions, he had began with it: or his having proteſted himſelf that he did ſo, contrary to the inclination of Cluentius?—What ſhall I ſay of his defence of Milo, where the variety of deſign is admirable? He does not relate the fact, till he has deſtroyed all the prejudices which were entertained againſt Milo. He throws all the odium of a premeditated aſſaſſination upon Clodius, though in reality the combat between them, was but a rencounter. He commends the act, as of ſervice to the public, yet exculpates Milo's intention in regard to it. He puts no ſupplications in Milo's mouth, becauſe unworthy of a man of his ſpirit, but aſſumes the character of ſuppliant himſelf.

Let it therefore be enough to obſerve that, not only in the art of ſpeaking, but in all occurrences of life, nothing is ſuperior to deſign. In vain, arts and ſciences are taught, unleſs they lean on this baſis. This prudential forecaſt effects more without learning, than learning without it. It appears likewiſe that it is the ſame power that adapts an Oration to place, time, and perſons. But as this matter is of ſome extent, and lies intermingled with elocution, I ſhall treat of it among the * precepts for expreſſing every thing with juſtneſs and propriety.

* Book xi. c. 1.

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END OF THE FIRST VOLUME.